

Dainius Žalimas

It is obvious that the review is better when it contains a constructive criticism that could encourage a scientific debate on the subject or that might be helpful for the author of the book in removing shortcomings in his future research. The value of the review will also be greater if the author compares the reviewed book with other books on the same or similar topic worldwide, especially those written by the Baltic authors, as well as to describe the value added by the book to the previous works on the theme.

Finally, I would like to encourage once more all potential authors to read and to write the reviews of books topical to the Baltic lawyers. The *Baltic Yearbook of International Law* will be always open to your book review submissions as well as to your remarks and suggestions concerning the published book reviews.

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Book Review Editor

*Application of European Union law in Latvia*. Collection of essays edited by Ivo Alehno. [Riga: The Latvian Herald, 2003. xii, 355, (Bibliography) 25 and (Index) 7 pp. Hardback. LVL 6.50. ISBN 9984-731-28-6 (in Latvian).

After the Latvian referendum yielded a persuasive majority in favour of accession to the European Union (EU), local publishers have tried to boost co-operation with local representatives of the legal profession in an attempt to remedy the insufficient volume of local academic literature targeting EU law. Against the avalanche of commentaries, articles and other forms of academic inquiry normally triggered even by less important developments in EU law, occasional articles and random books that are published locally can hardly meet the growing appetite of the legal profession. It is this short fall that the authors of the book who are either practising lawyers or academics in Latvia holding at least a postgraduate degree in law have attempted to remedy. In this respect the book is to be welcomed by the legal profession and it could be useful as an introduction to the covered areas of EU law. However, the book is unlikely to win the prize for the first Latvian book to have prepared local lawyers for the accession because in general the covered subject matter appears to be randomly selected, the text tends to be rather descriptive than analytical, the authors have been reluctant to deal with contemporary issues in EU law, and one would expect a more rigorous approach to case-law and editing.

The book is perhaps too ambitious in scope. According to 'Introduction' the objective of the authors was to prepare the local legal profession for the legal environment that the EU is about to bring after the enlargement and explain the influence that *acquis* has had on some areas of Latvian law. The book has tried to meet the set objective through 12 chapters devoted to such rather specific topics as 'Remedies in EU law', 'The principle of transparency in Latvia and EU' or 'Competition law' with some of the authors stressing the introductory nature of their work. After a general review of the book, the rest of it due to constraints of space and diversity of the covered material will focus on the first three chapters that according to the authors have received most attention and the chapter on competition law contributed by the editor.

Suffice it now to say, however, that the book is unlikely to foster a general understanding of the legal framework operating in the EU. Neither it explains the institutional framework, nor it properly examines various legal instruments in EU law. Instead, the knowledge of these and similar introductory yet core issues has apparently been assumed, which is rather surprising given the introductory nature of the book and the objectives it seeks to achieve. In addition, most of the included chapters are likely to be useful to pick up a preliminary understanding of the covered topics as they are dealt with in rather a descriptive manner and rarely offer analysis of contemporary issues in EU law focusing more on Latvian law instead. As a result, the book is capable of developing a fragmented and introductory understanding of the legal framework operating in the EU although in general the covered material is handled accurately and effort has been made to trace recent case-law. Therefore, the objectives pursued by the authors are only partly attained.

One could also expect the book to be easier in navigation and more advanced as a source of reference: drawbacks caused by insufficient editing. To start with, it is perhaps unfortunate that endnotes have been used instead of footnotes since an opportunity to check the references on the same page as its text might help to absorb the material. The material could have also been more cross-referenced. Further, the book would have been more enjoyable if it kept a uniform approach to terminology. Next, it would have also been helpful if all the authors referred to treaty Articles revealing their numbering before and after the renumbering effected by the *Treaty of Amsterdam*. It is also surprising that the authors have not imposed a time bar on the covered body of law. Therefore, it is not clear at the outset whether the *Treaty of Nice*, for instance, is covered at all. In addition, the mix of the covered material could be more balanced. For example, the chapter on transparency in EU law is twice as voluminous as the chapter on remedies in EU law, which is a far more fundamental subject to deal with. Finally, the text occasionally suffers from lack of references to sources that have influenced the offered findings calling on the reader to resort to other sources of reference.

Chapter I 'Implementation of EU law in Latvia' has been written by Ms Solvita Harbaceviča. The author is a reader in law at Riga Graduate School of Law and a Ph.D. student at Stockholm University. Referring to the Schuman Declaration, the author has highlighted economic goals behind the European integration without discussing the history of the integration, which would have added to the value of the book. Instead, the author has focused on the relationship between Latvia and the EU from first trade agreements up to Agenda 2000 and the following progress reports. The value of the chapter lies in the concise discussion of the relationship between Latvian law and EU law. However, one would expect the author, for instance, not only to refer to the constitutional debate over supremacy of EU law over national constitutional law influenced by *Internationale Handelsgesellschaft* but also offer some analysis on the issue.

Chapter II 'Possibilities of individuals to use EU law' was written by Mr Arnis Bukša who is a reader in law at the Legal College in Riga (*Juridiskā koleģiā*) and a Ph.D. student at the University of Latvia. The Chapter has been divided into three parts. The first part invites lawyers to get acquainted with EU law and in particular with the Association Agreement to benefit from the provisions embodied therein already before accession and form a better understanding of that part of Latvian law that has been heavily influenced by EU law in the process of negotiations for accession. This call is also fully endorsed by the author of this review. The second part is devoted to remedies in EU law that would be open for individuals to plead in Latvian courts after accession. This part is not unproblematic. For example, the author starts by explaining the concept of direct effect and immediately adopts a broader definition of the concept laid down in *Van Gend en Loos* without addressing the debate over the scope of the concept. Other effects that various sources of EU law can have are generally well handled but the text is flawed by lack of proper references to sources. Surprisingly, the procedure of preliminary rulings has received no considerable attention at all. The final part of the chapter focuses on

challenging various legal acts passed by EU institutions at the ECJ and the Court of First Instance. All in all given the import of the addressed subject the chapter could have been more developed, which would have fostered the book's value. Mr Bukša has also contributed Chapter XI 'EU law on equality of sex and its application in Latvia'.

Chapter III 'The principle of transparency and its implementation in Latvia and EU' is written by Ms Kristīne Jariņovska-Bukša who is a reader in law at the Law College and Director of the EU law division at the Latvian Ministry of Justice. The Chapter traces the origins of the principle of transparency in Scandinavia and follows its development in the United Kingdom, EU and Latvia. The author has also contributed Chapters VIII and XII on state aid and environmental law. Chapters IV and V have been devoted to the principle of free movement of goods and have been written by Mr Aldis Čevērs and Ms Laine Škoba respectively. Both are readers in law at the University of Latvia. Ms Alla Pozdnakova who is a reader in law at Riga Graduate School of Law and a Ph.D. student at Oslo University has contributed Chapter VI on maritime transportation. Ms Zita Ozola working with a local law firm, Loze & Partners, is the author of Chapter IX dealing with the EU framework in the area of telecommunications. Ms Ineta Tāre, Director of the Employment Department at the Latvian Ministry of Welfare, has written Chapter X dealing with the regulation of employment law both in Latvia and EU.

Chapter VII 'Application of EU Competition law (Articles 81 and 82) in Latvia' has been contributed by the editor of the book, Mr Ivo Alehno who is a reader in law at both the University of Latvia and Riga Graduate School of Law. He is also a Ph.D. student at Stockholm University and a practising lawyer with a local law firm, Liepa, Skopina and Borenus. From a short historical excursus into the development of competition law up to recent developments and case law the chapter offers a well-written assessment of the subject matter sufficient to develop a good preliminary understanding of the core issues. Perhaps one regret is that the author has been reluctant to analyse the consequences of the ECJ's relatively recent and arguably far reaching judgement in the *Crehan v. Courage* case. In particular, in the light of the *Factorame* group judgements the author's comment on the issue of whether the ECJ has gone as far as to require the Member States to create a new remedy in national law allowing to claim compensation for violations of EU competition law where such a remedy had not been made available in national law would be welcome.

Despite the criticisms noted above the book is a welcome effort to alleviate a relative insufficiency of local academic literature on EU law. It is hoped that the book will help the legal profession to develop a better understanding of EU law and encourage the academic enquiry into various issues raised by the authors.

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