

40th
ANNIVERSARY

1975-2015

VOLUME 40 NO 5 OCTOBER 2015

EUROPEAN LAW REVIEW

CELEBRATING 40 YEARS

of authoritative and thought-provoking
analysis of all aspects of European law

Editors: Panos Koutrakos and Jukka Snell

Consultant Editor: Anthony Arnall

Book Reviews Editor: Alicia Hinarejos

EDITORIAL

ECJ, Strasbourg and National Courts: an
Exercise in Guesswork?

OBITUARY

Walter, Baron van Gerven (1935-2015)
Laurence Gormley

CLASSICS OF THE FIRST 40 YEARS

The Member States of the European
Community before their Court of Justice
Ulrich Everling

ARTICLES

Europeanisation of National Law: A
Legal-theoretical Analysis
Niilo Jaaskinen

Opinion 2/13 on Accession to the ECHR:
Defending the EU Legal Order against a
Foreign Human Rights Court
Bruno De Witte and Šejla Imamović

Investor Protection in Credit Rating Agencies'
Non-Contractual Liability: The Need for a
Fully Harmonised Regime
Giorgio Rizzo

Seeking Refuge in EU Delegations Abroad:
A Legal Imbroglia Explored
Sanderijn Duquet and Jan Wouters

SWEET & MAXWELL

European Law Review

Issue 5 October 2015

Table of Contents

Editorial

ECJ, Strasbourg and National Courts: an Exercise in Guesswork? 641

Obituary

Walter, Baron van Gerven (1935–2015)
Laurence Gormley 643

Classics of the First 40 Years

The Member States of the European Community before their Court of Justice
Ulrich Everling 645

Articles

Europeanisation of National Law: A Legal-theoretical Analysis
Niilo Jääskinen 667

Opinion 2/13 on Accession to the ECHR: Defending the EU Legal Order against a Foreign
Human Rights Court
Bruno De Witte and Šejla Imamović 683

Investor Protection in Credit Rating Agencies' Non-Contractual Liability: The Need for a
Fully Harmonised Regime
Giorgio Rizzo 706

Seeking Refuge in EU Delegations Abroad: A Legal Imbroglia Explored
Sanderijn Duquet and Jan Wouters 722

Analysis and Reflections

In ECB We Trust ... The FCC We Dare! The OMT Preliminary Ruling
Georgios Anagnostaras 744

Autogrill España and *Banco Santander*: The Concept of "General" Tax Measures Clarified
for State Aid
John Temple Lang 763

Addressing the Legitimacy Problem for Competition Authorities Taking into Account
Non-Economic Values: The Position of the Dutch Competition Authority
Anna Gerbrandy 769

Book Reviews 782