

textbook

European Union Law

**Elsbeth Deards
Sylvia Hargreaves**



**Companion web site
containing cases
and materials**

European Union Law Textbook

Elspeth Deards LLB, Solicitor

Senior Lecturer in Law, Nottingham Law School

Sylvia Hargreaves BA, LLM, PhD, Solicitor

Principal Lecturer in Law, Nottingham Law School

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide in

Oxford New York

Auckland Bangkok Buenos Aires Cape Town Chennai

Dar es Salaam Delhi Hong Kong Istanbul Karachi Kolkata

Kuala Lumpur Madrid Melbourne Mexico City Mumbai Nairobi

São Paulo Shanghai Taipei Tokyo Toronto

Oxford is a registered trade mark of Oxford University Press
in the UK and in certain other countries

Published in the United States

by Oxford University Press Inc., New York

© Elspeth Deards and Sylvia Hargreaves 2004

The moral rights of the authors has been asserted

Database right Oxford University Press (maker)

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
without the prior permission in writing of Oxford University Press,
or as expressly permitted by law, or under terms agreed with the appropriate
reprographics rights organization. Enquiries concerning reproduction
outside the scope of the above should be sent to the Rights Department,
Oxford University Press, at the address above

You must not circulate this book in any other binding or cover
and you must impose this same condition on any acquirer

ISBN 0-19-870071-7

3 5 7 9 10 8 6 4 2

Typeset by SNP Best-set Typesetter Ltd., Hong Kong

Printed in Great Britain

on acid-free paper by

Antony Rowe Limited, Chippenham, Wiltshire

PREFACE

EU law is a subject which students have traditionally found difficult. Although many students will have come across EU law at work, or will have an interest in the politics, economics or history of the EU, many others find it a particularly inaccessible subject. This book aims to, and in previous editions has succeeded in, demystifying the key areas of EU law for undergraduate and graduate students approaching the subject for the first time.

We start with the background to EU law – the history of the EU, which is fundamental to an understanding of the content and function of EU law, and the institutional structure and the sources of law which it produces. We then examine the EU's legal system, explaining and analysing the way in which EU law can be utilised in actions before the domestic courts, and the actions which may be brought against the EU for illegal conduct. The remainder of the book is devoted to the major areas of substantive law – freedom of movement, competition law and equal treatment. In all these areas we explain the basic concepts, with full cross references to the Cases and Materials on the Companion Web Site. Students are able to test and consolidate their understanding in considering the questions and undertaking the exercises that appear throughout the book. There is also the opportunity to tackle more extended sample questions in each chapter, both problems and essays, to which guide answers are provided.

We have found in the past that students consider this to be a more user-friendly text for EU law than many of its competitors, but we also ensure that its coverage is sufficient for standard EU courses.

*Elspeth Deards and Sylvia Hargreaves
Nottingham Law School*

■ SOURCE ACKNOWLEDGEMENTS

Grateful acknowledgement is made to all the authors and publishers of copyright material which appears on the companion web site to this book, and in particular to the following for permission to reprint material from the sources indicated:

Blackwell Publishing: extract from N MacCormick: *Beyond the Sovereign State* (Blackwell, 1993).

Council of Europe: extracts from *European Court Reports* (ECR), copyright © Council of Europe.

Hart Publishing: extract from W van Gerven: 'Taking article 215 EC Treaty Seriously' from J Beatson and T Tridimas (eds): *New Directions in European Public Law* (Hart Publishing, 1998)

Hodder & Stoughton: extract from J Kellett: *European Business* (Hodder & Stoughton, 1995).

Lexis Nexis UK: extracts from *All England Law Reports* (All ER).

Sweet & Maxwell: extracts from *Common Market Law Reports* (CMLR) and from *European Law Review*: A Barav: 'Some Aspects of the Preliminary Rulings Procedure in EEC Law', 2 *ELRev* 3 (1977); A Durdan: 'Restitution or Damages: National Court or European Court', 1 *ELRev* 43 (1976); Nanette A E M Neuwahl: 'Article 173 Paragraph 4 EC: Past Present and Possible Future', (1996) 21 *ELRev* 17; and J Steiner: 'Direct Effects to Francovich: Shifting Means of Enforcement of Community Law', 18 *ELRev* 3 (1993).

Every effort has been made to trace and contact copyright holders prior to going to press but this has not been possible for all material listed. Although we are continuing to seek the necessary permissions up to publication, if notified, the publisher will undertake to rectify any errors or omissions at the earliest opportunity.

■ TABLE OF CASES

- ABG Oil, Re [1977] 2 CMLR D1 . . . 287
- Abrahamsson v Fogelqvist (Case C-407/98) [2000] ECR I-5539 . . . 348
- ACEC/Berliet, Re [1968] CMLR D35 . . . 253, 254, 268, 271
- Adams v Commission (Case 145/83) [1985] ECR 3539 . . . 158–9, 166, 317
- Adoui and Cornouaille v Belgian State (Cases 115 & 116/81) [1982] ECR 1665 . . . 232
- Ahlström & others v Commission (Woodpulp) (Cases C-89, 104, 114, 116–117, 125–129/85) [1988] ECR 5193 . . . 258–9
- AKZO Chemie v Commission (Case 53/85) [1986] ECR 1965 . . . 316
- AKZO Chemie v Commission (Case C-62/86) [1991] ECR I-3359 . . . 295
- Allied Corporation v Commission (Cases 239 & 275/82) [1984] ECR 1005 . . . 142
- Allué and Coonan v Universita degli studi di Venezia (Case 33/88) [1989] ECR 1591 . . . 227
- Alpine Investments BV v Minister of Finance (Case C-384/93) [1995] ECR I-1141 . . . 237
- Amministrazione delle Finanze dello Stato v Simmenthal SpA (Simmenthal II) (Case 106/77) [1978] ECR 629 . . . 14, 40, 99
- Angonese v Cassa di Risparmio di Bolzano SpA (Case C-281/98) [2000] ECR I-4139 . . . 212, 222
- Arsenal Football Club plc v Matthew Reed [2002] EWHC 2695 (Ch) . . . 106
- ASOCARNE v Council (Case T-99/94) [1995] 3 CMLR 458 . . . 132, 135
- Atlanta Fruchthandelsgesellschaft Mbh and others v Bundesamt für Ernährung und Forstwirtschaft (Case C-465/93) [1996] 1 CMLR 575 . . . 125
- Australian Mining & Smelting Europe Ltd v Commission (Case 155/79) [1982] ECR 1575 . . . 317
- Automec Srl v Commission (No 2) (Case T-24/90) [1992] ECR II-2223 . . . 319
- Badeck and others (Case C-158/97) [2000] ECR I-1875 . . . 347, 348
- Barber v Guardian Royal Exchange Assurance Group (Case C-262/88) [1990] ECR I-1889 . . . 324, 325, 326, 327, 342, 343
- Bauhuis v Netherlands State (Case 46/76) [1977] ECR 5 . . . 181
- Baumbast v Secretary of State for the Home Department (Case C-413/99) [2002] ECR I-7091 . . . 209–11, 246
- Bayer/Gist-Brocades [1976] 1 CMLR D98 . . . 270
- Bayerische HNL Vermehrungsbetriebe GmbH & Co KG and others v Council and Commission (Cases 83 etc/76) [1978] ECR 1209 . . . 161
- BBC v Commission (Case T-70/89) [1991] ECR II-575 . . . 286, 290, 297
- Bettray v Staatssekretaris van Justitie (Case 344/87) [1989] ECR 1621 . . . 216
- Bilka-Kaufhaus GmbH v Weber von Hartz (Case 170/84) [1986] ECR 1607 . . . 324, 325, 326, 327, 334–5
- Biovilac v EEC (Case 59/83) [1984] ECR 4057 . . . 169
- Blaizot v University of Liège (Case 24/86) [1988] ECR 379 . . . 247
- Bleis v Ministère de l'Education Nationale (Case C-4/91) [1991] ECR I-5627 . . . 227
- Bock v Commission (Case 62/70) [1971] ECR 897 . . . 135–6, 140
- Bonsignore v Oberstadtdirektor of the City of Cologne (Case 67/74) [1975] ECR 297 . . . 232
- Brasserie de Haecht SA v Wilkin (No 1) (Case 23/67) [1967] ECR 407 . . . 261
- Brasserie du Pêcheur SA v Germany . . . 90, 93
- British Leyland plc v Commission (Case 226/84) [1986] ECR 3263 . . . 292–3
- Bronner (Oscar) GmbH & Co KG v Mediaprint Zeitungs- und Zeitschriftenverlag GmbH & Co KG and others (Case C-7/97) [1998] ECR I-7791 . . . 298
- Brown v Secretary of State for Scotland (Case 197/86) [1988] ECR 3205 . . . 245, 247
- Bulmer Ltd and Another v Bollinger SA and Others [1974] 2 CMLR 91 . . . 111, 112, 113
- Burton v British Railways Board (Case 19/81) [1982] ECR 555 . . . 341

xviii TABLE OF CASES

- Busch v Klinikum Neustadt GmbH & Co Betriebs-KG (Case C-320/01) . . . 350
- Caisse nationale d'assistance vieillesse des travailleurs salariés (CNAVTS) v Thibault (Case C-136/95) [1998] ECR I-2011 . . . 350
- Calpak SpA and Società Emiliana Lavorazione Frutta SpA v Commission (Cases 789–790/79) [1980] ECR 1949 . . . 143
- Camera Care v Commission (Case 792/79R) [1980] ECR 119 . . . 307
- Campus Oil Ltd v Minister for Industry and Energy (Case 72/83) [1983] ECR 2727 . . . 199–200
- Carpenter v Secretary of State for the Home Department (Case C-60/00) ECR I-6279 . . . 214
- Casagrande v Landeshauptstadt München (Case 9/74) [1974] ECR 773 . . . 226, 246
- Castelli v ONPTS (Case 261/83) [1984] ECR 3199 . . . 225
- Cato v Commission (Case C-55/90) [1992] ECR I-2533 . . . 166
- Celestini v Saar-Sektkellerei Faber (Case C-105/94) [1997] ECR I-2971 . . . 123
- Centre Public d'Aide Sociale de Courcelles v Lebon (Case 316/85) [1987] ECR 2811 . . . 217, 225
- Chemical Farmaceutici SpA v DAF SpA (Case 140/79) [1981] ECR 1 . . . 183, 184
- CILFIT and Lanificio di Gavardo v Ministry of Health (Case 283/81) [1982] ECR 3415 . . . 112, 116–17, 118, 119, 120
- Cinéthèque SA v Fédération Nationale des Cinémas Françaises (Cases 60 & 61/84) [1985] ECR 2605 . . . 194
- Clean Car Autoservice GmbH v Landeshauptmann von Wein (Case C-350/96) [1998] ECR I-2521 . . . 212, 223
- CNTA v Commission (Case 74/74) [1975] ECR 533 . . . 164
- Coloroll Pension Trustees Ltd v James Richard Russell (Case C-200/91) [1994] ECR I-4389 . . . 327
- Commission and France v Ladbroke Racing Ltd (Cases C-359 & 379/95P) [1997] ECR I-7007; [1998] 4 CMLR 27 . . . 255
- Commission v Belgium (Case 77/69) [1970] ECR 237 . . . 28, 41
- Commission v Belgium (Case C-2/900) [1992] ECR I-4431 . . . 203
- Commission v Belgium (Case C-344/95) [1997] ECR I-1035 . . . 219
- Commission v Belgium (Customs Warehouses) (Case 132/82) [1983] ECR 1649 . . . 181
- Commission v Belgium (Health Inspection Service) (Case 314/82) [1984] ECR 1543 . . . 181
- Commission v Belgium (Public Employees) (Case 149/79) [1980] ECR 3881 . . . 227
- Commission v Council (ERTA) (Case 22/70) [1971] ECR 263 . . . 13, 44, 63, 64
- Commission v Council (Generalised Tariff Preferences) (Case 45/86) [1987] ECR 1493 . . . 133
- Commission v Council (Titanium Dioxide) (Case C-300/89) [1991] ECR 2867 . . . 133
- Commission v Denmark (Disposable Beer Cans) (Case 302/86) [1988] ECR 4607 . . . 193, 194
- Commission v Denmark (Insurance Services) (Case 252/83) [1986] ECR 3713 . . . 241
- Commission v France (Case 196/85) [1987] ECR 1597 . . . 183, 184
- Commission v France (Case 312/86) [1988] ECR 6315 . . . 346
- Commission v France (Case C-265/95) [1997] ECR I-6959 . . . 191
- Commission v France (Cases 24 and 97/80) [1980] ECR 1319 . . . 20
- Commission v France (French Merchant Seamen) (Case 167/73) [1974] ECR 359 . . . 221–2
- Commission v France (French Taxation of Spirits) (Case 168/78) [1980] ECR 347 . . . 184
- Commission v France (Italian Table Wines) (Case 42/82) [1983] ECR 1013 . . . 200, 201
- Commission v Germany (Beer Purity Laws) (Case 178/84) [1987] ECR 1227 . . . 200, 201–2
- Commission v Germany (Case 18/87) [1988] ECR 5427 . . . 181
- Commission v Germany (Case 249/86) [1989] ECR 1263 . . . 226
- Commission v Germany (Case C-191/5) [1998] ECR I-5449 . . . 20
- Commission v Germany (Case C-325/00) [2002] ECR I-9977 . . . 190
- Commission v Germany (Insurance Services) (Case 205/84) [1986] ECR 3755 . . . 241
- Commission v Greece (Case C-132/88) [1990] ECR I-421/97 . . . 184
- Commission v Greece (Case C-391/92) [1995] ECR I-1621 . . . 195

- Commission v Greece (Case C-398/98) [2001] ECR I-7915 . . . 203
- Commission v Ireland ('Buy Irish' Campaign) (Case 249/81) [1982] ECR 4005 . . . 190
- Commission v Ireland (Co-insurance Services) (Case 206/84) [1986] ECR 3817 . . . 241
- Commission v Ireland (Excise Payments) (Case 55/79) [1980] ECR 481 . . . 183
- Commission v Ireland (Restrictions on Importation of Souvenirs) (Case 113/80) [1981] ECR 1625 . . . 192, 197
- Commission v Italy (Export Tax on Art Treasures No 1) (Case 7/68) [1968] ECR 423 . . . 202
- Commission v Italy (Statistical Levy) (Case 24/68) [1969] ECR 193 . . . 180
- Commission v Luxembourg and Belgium (Gingerbread) (Cases 2 & 3/62) [1962] ECR 425 . . . 179, 180
- Commission v Luxembourg (Case C-473/93) [1996] ECR I-3207 . . . 227
- Commission v Netherlands (Case 89/76) [1977] ECR 1355 . . . 181
- Commission v UK (Case C-246/89) [1989] ECR 3125 . . . 95
- Commission v UK (Equal Pay for Equal Work) (Case 61/81) [1982] ECR 2601 . . . 331
- Commission v UK (Equal Treatment for Men and Women) (Case 165/82) [1983] ECR 3431 . . . 344
- Commission v UK (Excise Duties on Wine) (Case 170/78) [1980] ECR 417; [1983] ECR 2265 . . . 185
- Commission v UK (Imports of Poultry Meat) (Case 40/82) [1982] ECR 2793 . . . 200–1
- Commission v UK (Origin Marking of Goods) (Case 207/83) [1985] ECR 1202 . . . 191
- Commissioners of Customs and Excise v Samex ApS [1983] 1 All ER 1042 . . . 110, 111
- Compagnie Maritime Belge Transports SA, Compagnie Maritime Belge SA and Dafralines A/S v Commission (Cases C-395–6/96P) [2000] 4 CMLR 1076 . . . 295, 300
- Conegate Ltd v Customs and Excise Commissioners (Case 121/85) [1986] ECR 1007 . . . 199
- Conseil Nationale de l'Ordre des Architectes v Dreessen (Case C-31/00) [2002] 2 CMLR 62 . . . 240
- Cooperative Vereniging 'Suiker Unie' UA v Commission (Sugar Cartel) (Cases 40–48, 50, 54–56, 111, 113 & 114/73) [1975] ECR 1663 . . . 259
- Coote v Granada Hospitality Ltd (Case C-185/97) [1998] ECR I-5199 . . . 340
- Cordonui SA v Council (Case C-309/89) [1995] 2 CMLR 561 . . . 141, 143
- Corsica Ferries v Corpo dei Piloti del Porto di Genova (Case C-18/93) [1994] ECR I-1783 . . . 121
- Costa v ENEL (Case 6/64) [1964] ECR 585 . . . 40, 41, 107
- Cowan v Le Trésor Public (Case 186/87) [1989] ECR 195 . . . 244
- Crehan v Courage (Case C-453/99) [2001] ECR I-6297 . . . 310
- Criminal Proceedings against Alfred John Webb (Case 279/80) [1981] ECR 3305 . . . 241
- Criminal Proceedings against Bickel and Franz (Case C-274/96) [1998] ECR I-7637 . . . 244
- Criminal Proceedings against Donatella Calfa (Case C-348/96) ECR I-11 . . . 232, 233, 244
- Criminal Proceedings against Grau Gromis and others (Case C-167/94) [1995] ECR I-1023 . . . 121
- Criminal Proceedings against Ibiyinka Awoyemi (Case C-230/97) [1998] ECR I-6781 . . . 82
- Criminal Proceedings against Karl Prantl (Case 16/83) [1984] ECR 1299 . . . 193
- Criminal Proceedings against Keck and Mithouard (Cases C-267 & 268/91) [1993] ECR I-6097 . . . 194–5, 197
- Criminal Proceedings against Lynne Watson and Alessandro Belmann (Case 118/75) [1976] ECR 1185 . . . 220
- Criminal Proceedings against Michel Guiot (Case C-272/94) [1996] ECR I-1905 . . . 243
- Criminal Proceedings against Saddik (Case C-458/93) [1995] ECR I-511 . . . 121
- Criminal Proceedings against Sofia Skanavi and Constantin Chryssanthakopoulos (Case C-193/94) [1996] ECR I-929 . . . 220
- Criminal Proceedings against Stoeckel (Case C-345/89) [1991] ECR I-4047 . . . 346
- Criminal Proceedings against Tankstation 't Heukske vof and J. B. E. Boermans (Cases C-401 & 402/92) [1994] ECR I-2199 . . . 195
- Cristini v SNCF (Case 32/75) [1975] ECR 1085 . . . 224
- Da Costa en Schaake NV, Jacob Meijer NV and Hoechst-Holland NV v Nederlandse Belastingadministrazione (Cases 28–30/62) [1963] ECR 31 . . . 112, 116

xx TABLE OF CASES

- Defrenne v SABENA (No 1) (Case 80/70) [1971] ECR 445 . . . 325–6
- Defrenne v SABENA (No 2) (Case 43/75) [1976] ECR 455 . . . 79, 127, 321, 323, 327, 328
- Dekker v Stichting VJV (Case 177/88) [1990] ECR I-3941 . . . 103, 349, 350
- Denkavit International BV and VITIC Amsterdam BV and Voormeer BV v Bundesamt für Finanzamt (Cases 283, 291 and 292/94) [1996] ECR I-5063 . . . 97
- Denkavit v France (Case 132/78) [1979] ECR 1923 . . . 182
- D'Hoop v Office national de l'emploi (Case C-224/98) [2002] ECR I-6191 . . . 209, 214
- Diatta v Land Berlin (Case 267/83) [1985] ECR 567 . . . 217–18
- Dillenkofer and others v Germany (Joined Cases C-178 and 179/94 and C-188 to 190/94) [1996] 3 CMLR 469 . . . 92, 98
- Ditlev Bluhme (Case C-67/97) [1998] ECR I-8033 . . . 186
- Dory v Germany (Case C-186/01) . . . 345
- Doughty v Rolls Royce plc [1992] 1 CMLR 1045 . . . 83, 85
- Draehmpaehl v Urania Imobilienservice OHG (Case C-180/95) [1997] 3 CMLR 1107 . . . 102
- Drake v Chief Adjudication Officer (Case 150/85) [1986] ECR 1995 . . . 109
- Dubois et Fils SA v Council and Commission (Case T-113/96) [1998] 1 CMLR 1335 . . . 156, 169
- Dumortier Frères SA and others v Council and Commission (Second Skimmed Milk Powder case) (Cases 64 & 113/76) [1979] ECR 3091 . . . 98, 162, 164, 165, 166, 168, 169
- Duphar BV v Netherlands (Case 238/82) [1984] ECR 523 . . . 202
- Dzodzi v Belgian State (Cases C-297/88 & C-197/89) [1990] ECR I-3763 . . . 109, 110, 112
- East Riding of Yorkshire Council v Gibson (unreported) . . . 82
- Eau de Cologne & Parfümerie-Fabrik v Provide Srl (Case C-150/88) [1989] ECR 3891 . . . 122
- Edilizia Industriale Siderurgica Srl (Edis) v Ministero delle Finanze (Case C-231/96) [1999] 2 CMLR 995 . . . 101
- Ellen Street Estates v Minister of Health [1934] 1 KB 590 . . . 39
- Emmott v Minister for Social Welfare and another (Case C-208/90) [1991] ECR I-4269 . . . 100
- Enderby v Frenchay Health Authority and Secretary of State for Health (Case C-127/92) [1993] ECR I-5535; [1994] 1 CMLR 8 . . . 337
- Equal Opportunities Commission v Secretary of State for Employment [1994] 1 All ER 910 . . . 337
- Eridania and others v Commission (Cases 10 & 18/68) [1969] ECR 459 . . . 152
- Établissements Consten SA v Commission (Cases 56 & 58/64) [1966] ECR 299 . . . 254, 259, 261, 264, 272
- Eternach and Moritz v Minister van Onderwijs en Wetenschappen (Cases 389 & 390/87) [1989] ECR 723 . . . 246
- Europemballage Corp and Continental Can Co Inc v Commission (Case 6/72) [1973] ECR 215 . . . 283, 284, 298, 299
- Extramet Industrie SA v Council (Case C-358/89) [1991] ECR I-2501 . . . 142
- Faccini Dori v Recreb Srl (Case C-91/92) [1994] ECR I-3325 . . . 84
- Firma Foto-Frost v Hauptzollamt Lübeck-Ost (Case 314/85) [1987] ECR 4199 . . . 125
- Fisscher v Voorhuis Hengelo BV and Stichting Bedrijfspensioenfonds voor de Detailhandel (Case C-128/93) [1994] ECR I-4583 . . . 327
- Foglia v Novello (No 1) (Case 104/79) [1980] ECR 745 . . . 121, 122, 123
- Foster v British Gas (Case C-188/89) [1990] ECR I-3313 . . . 83, 84, 85
- Francovich and Others v Italian Republic (Cases C-6/90 & C-9/90) [1991] ECR I-5357 . . . 91–2
- Francovich v Italian Republic (Francovich II) (Cases C-479/93) [1993] ECR I-3843 . . . 92
- Fratelli Constanzo SpA v Comune di Milano (Case C-103/88) [1989] ECR I-1839 . . . 84
- Freight Transport Association and others v London Boroughs Transport Committee Ltd . . . 119, 120
- G. R. Amylum NV and Tunnel Refineries Ltd v Council and Commission (Cases 116 & 124/77) [1979] ECR 3497 . . . 163
- GAEC v Council and Commission (Case 253/84) [1987] ECR 123 . . . 157–8, 167, 168
- Garland v British Rail Engineering Ltd (Case 12/81) [1982] ECR 359 . . . 324
- Gebhard v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano (Case C-55/94) [1995] ECR I-4165 . . . 242

- Geddo v Ente Nazionale Risi (Case 2/73) [1973] ECR 865 . . . 187
- General Motors Continental NV v Commission (Case 26/75) [1975] ECR 1367 . . . 285–6, 288, 292
- Germany and Others v Commission (Cases 291/85 etc) [1987] ECR 3202 . . . 21
- Gerster v Freistaat Bayern (Case C-1/95) [1997] ECR I-5253 . . . 336
- Gestevisión Telecinco SA v Commission (Case T-95/96) [1998] 3 CMLR 1112 . . . 151
- Grad v Finanzamt Traunstein (Case 9/70) [1970] ECR 825 . . . 79
- Graf v Filzmoser Maschinenbau GmbH (Case C-190/98) [2000] ECR I-493 . . . 223
- Grant v South-West Trains Ltd (Case C-249/96) [1998] ECR I-621 . . . 339, 340
- Gravier v City of Liège (Case 293/83) [1985] ECR 593 . . . 246, 247
- Greenpeace (Case C-321/95) [1998] ECR I-1651 . . . 145
- Grimaldi v Fonds des Maladies Professionnelles (Case C-322/88) [1989] ECR 4407 . . . 85, 86
- Groener v Minister for Education (Case 379/87) [1989] ECR 3967 . . . 222
- Groupement National des Négociants en Pommes de Terre de Belgique (Belgapom) v ITM Belgium SA and Vocarex SA (Case C-63/94) [1995] ECR I-2467 . . . 195
- Grzelczyk v Centre Public d'Aide Sociale d'Ottignies-Louvain-la-Neuve (Case C-184/99) [2001] ECR I-6193 . . . 209, 247
- Gül v Regierungspräsident Düsseldorf (Case 131/85) [1986] ECR 1573 . . . 226
- Habermann-Beltermann v Arbeiterwohlfahrt Bezirksverband (Case C-421/92) [1994] ECR I-1657 . . . 349, 350
- Hagen v Fratelli D. & G. Moretti SNC and Molnar Machinery Ltd [1980] 3 CMLR 253 . . . 108
- Haim v Kassenzahnärztliche Vereinigung Nordrhein (Case C-424/97) . . . 91
- Handels-og Kontorfunktionærernes Forbund i Danmark v Dansk Arbejdsgiverforening (for Danfoss) (Case 109/88) [1989] ECR 3199 . . . 331–2
- Handels-og Kontorfunktionærernes Forbund i Danmark v Dansk Arbejdsgiverforening (Hertz) (Case 179/88) [1990] ECR I-3979 . . . 349
- Hennessy/Henkell [1981] 1 CMLR 601 . . . 268
- Hilti AG v Commission (Case T-30/89) [1991] ECR II-1439 . . . 286, 287, 288, 290, 295, 296, 298
- HM Customs and Excise v Schindler (Case C-275/92) [1994] ECR I-1039 . . . 242–3
- Hocsman v Ministre de l'Emploi et de la Solidarité (Case C-238/98) [2000] ECR I-6623 . . . 239
- Hoechst AG v Commission (Cases 46/87 & 227/88) [1989] ECR 2859 . . . 314
- Hoeckx v Centre Public d'Aide Sociale de Kalmthout (Case 249/83) [1985] ECR 973 . . . 225
- Hoekstra (née Unger) v Bestuur der Bedrijfsvereniging voor Detailhandel en Ambachten (Case 75/63) [1964] ECR 177 . . . 215, 216
- Hoffmann-La Roche & Co AG v Commission (Case 85/76) [1979] ECR 461 . . . 288, 289, 290, 294, 296
- Hofmann v Barmer Ersatzkasse (Case 184/83) [1984] ECR 3047 . . . 346
- Hugin Kassaregister AB v Commission (Case 22/78) [1979] ECR 1869 . . . 285, 297, 299
- Huls AG v Commission (Case C-199/92P) [1999] ECR I-4287 . . . 259
- Humblot v Directeur des Services Fiscaux (Case 112/84) [1985] ECR 1367 . . . 183
- IAZ International Belgium NV v Commission (Cases 96–102, 104, 105, 108 & 110/82) [1983] ECR 3369 . . . 257
- IBM Corporation v Commission (Case 60/81) [1981] ECR 2639 . . . 130, 134
- Ideal-Standard Agreement [1988] 4 CMLR 627 . . . 266
- Imperial Chemical Industries Ltd v Commission (Dyestuffs) (Case 48/69) [1972] ECR 619 . . . 257–8
- International Fruit Company and Others v Commission (Cases 41–4/70) [1971] ECR 411 . . . 138–9
- Inzirillo v Caisse d'Allocations Familiales de l'Arondissement de Lyon (Case 63/76) [1976] ECR 2057 . . . 224–5
- Irish Creamery Milk Suppliers Association v Ireland (Cases 36 & 71/80) [1981] ECR 735 . . . 109, 110
- Irish Sugar plc v Commission (Case C-497/99P) [2001] ECR I-5333 . . . 299

- Irish Sugar plc v Commission (Case T-228/97) [1999] ECR II-2969 . . . 299
- Istituto Chemioterapico Italiano SpA and Commercial Solvents Corporation v Commission (Cases 6 & 7/73) [1974] ECR 223 . . . 285, 297, 299
- Italian State v Gilli and Andres (Case 788/79) [1980] ECR 2071 . . . 193
- ITP v Commission (Case T-76/89) [1991] ECR II-575 . . . 297
- Japan Tobacco Inc and JT International SA v Parliament and Council (Case T-223/01) . . . 146
- Jégo-Quéré SA v Commission (Case T-177/01) [2002] 2 CMLR . . . 144
- Jenkins v Kingsgate (Clothing Productions) Ltd (Case 96/80) [1981] ECR 911 . . . 109, 329, 334
- Johnson v Chief Adjudication Officer (Case C-410/92) [1994] ECR I-5493 . . . 101
- Johnston v Chief Constable of the RUC (Case 222/84) [1986] ECR 1651 . . . 84, 344–5, 346
- Kalanke v Freie Hansestadt Bremen (Case C-450/93) [1995] ECR I-3051 . . . 347, 348
- Kampffmeyer and others v Commission (Cases 5, 7 & 13–24/66) ECR 245 . . . 165, 168, 171
- KB v National Health Service Pensions Agency and Secretary of State for Health (Case C-117/00) . . . 339
- Kempf v Staatssekretaris van Justitie (Case 139/85) [1986] ECR 1741 . . . 216
- Kind v EEC (Case 106/81) [1982] ECR 2885 . . . 165
- Köbler v Austria (Case C-224101) (unreported) . . . 94, 97
- Koninklijke Scholten Honig NV v Council and Commission (Case 43/77) [1979] ECR 3583 . . . 163
- Konsumentombudsmannen (KO) v De Agostini (Svenska) Förlag AB and TV Shop i Sverige AB (Cases C-34–6/95) [1997] ECR I-3843 . . . 196
- Konsumentombudsmannen v Gourmet International Products Aktiebolag (Case C-405/98) [2001] ECR I-1795 . . . 196
- Kording v Senator für Finanzen (Case C-100/95) [1997] ECR I-5289 . . . 336
- Kowalska v Freie und Hansestadt Hamburg (Case C-33/89) [1990] ECR I-2591 . . . 324, 325
- Kreil v Germany (Case C-285/98) . . . 343, 345
- Krohn and Co Import-Export GmbH & Co KG v Commission (Case 175/84) [1986] ECR 753 . . . 170, 171, 172
- KSH NV v Council and Commission (Case 101/76) [1977] ECR 797 . . . 143, 155
- Läärä, Cotswold Microsystems and Oy Transatlantic Software v Kilakunnansyytäjä (Jyväskylä), Suomen Valtio (Finnish State) (Case C-124/97) [1999] ECR I-6067 . . . 243
- Lair v Universität Hannover (Case 39/86) [1988] ECR 3161 . . . 245, 247
- Land Nordrhein-Westfalen v Uecker and Jacquet v Land Nordrhein-Westfalen (Cases C-64 & 56/96) [1997] ECR I-3182 . . . 213
- Lawrence and others v Regent Office Care, Commercial Catering Group and Mitie Services Ltd (Case C-320/00) [2002] ECR I-7325 . . . 323
- Lawrie-Blum v Land Baden Württemberg (Case 66/85) [1986] ECR 2121 . . . 215, 227
- Levin v Staatssekretaris van Justitie (Case 53/81) [1982] ECR 1035 . . . 215, 216
- Litster v Forth Dry Dock and Engineering Co Ltd [1989] 1 All ER 1134 . . . 87, 88
- Littlewoods Organisation plc and others v Commissioners of Customs and Excise and others [2001] EWCA Civ 1542; [2001] STC 1568 . . . 114
- Lommers v Minister van Landbouw, Natuurbeheer en Visserij (Case C-476/99) [2002] ECR I-2691 . . . 347
- Lord Bethell v Commission (Case 246/81) [1982] ECR 2277 . . . 151
- Lord Bruce of Donington v Aspden (Case 208/80) [1981] ECR 2205 . . . 109
- L'Oréal NV v De Nieuwe AMCK PvBA (Case 31/80) [1980] ECR 3775 . . . 266
- Lourenço Dias v Director da Alfândega do Porto (Case C-343/90) [1992] ECR I-4673 . . . 123, 124
- Luisi and Carbone v Ministero del Tesoro (Case 26/83) [1984] ECR 377 . . . 244
- Lütticke (Alfons) GmbH and others v Commission (Case 48/65) [1966] ECR 19 . . . 150, 157
- Lütticke (Alfons) GmbH v Hauptzollamt Saarlouis (Case 57/65) [1966] ECR 205 . . . 182, 183
- Lütticke (Alfons) v Commission (Case 4/69) [1971] ECR 325 . . . 155, 157, 166, 170

- Magnavision v General Optical Council (No 2) [1987] 2 CMLR 262 . . . 108, 120
- Mahlburg v Land Mecklenburg-Vorpommern (Case C-207/98) [2000] ECR I-549 . . . 350
- Mannesmann-Röhrenwerke AG v Commission (Case T-112/98) [2001] ECR II-729 . . . 318
- Marleasing SA v La Comercial Internacional de Alimentación SA (Case C-106/89) [1990] ECR I-4135 . . . 88, 90
- Marschall v Land Nordrhein-Westfalen (Case C-409/95) [1997] ECR I-6363 . . . 347
- Marshall v Southampton and South West Area Health Authority (Teaching) (No 1) (Case 152/84) [1986] ECR 723 . . . 82–3, 84, 85, 342
- Marshall v Southampton and South West Area Health Authority (Teaching) (No 2) (Case 271/91) [1993] 3 CMLR 293 . . . 101–2
- Marsman v Rosskamp (Case 44/72) [1972] ECR 1243 . . . 223
- Masterfoods Ltd v HB Ice Cream (Case C-344/98) [2000] ECR I-11369 . . . 310
- Meilicke v ADV/ORGA AG (Case C-83/91) [1992] ECR I-4871 . . . 124
- Messner (Case C-265/88) [1989] ECR 4209 . . . 220
- Métropole Télévision (M6) and others v Commission (Case T-112/99) [2001] ECR II-2459 . . . 266
- Metro-SB-Grossmärkte GmbH & Co KG v Commission (Case 26/76) [1977] ECR 1875 . . . 142, 263, 265, 266
- Meyers v Adjudication Officer (Case C-116/94) [1995] ECR I-2131 . . . 341
- Mighell and others v Motor Insurers Bureau [1999] 1 CMLR 1251 . . . 84
- Ministère Public v Even (Case 207/78) [1979] ECR 2019 . . . 224
- Ministre de l'Intérieur v Olazabal (Case C-100/01) [2002] ECR I-10981 . . . 229
- Molkerei-Zentrale v Hauptzollamt Paderborn (Case 28/67) [1968] ECR 143 . . . 182–3
- Moroni v Collo GmbH (Case C-110/91) [1993] ECR I-6591 . . . 327
- Morson and Jhanjan v Netherlands (Cases 35 & 36/82) [1982] ECR 3723 . . . 213
- Mulder v Council and Commission (Mulder II) (Cases C-104/89 & C-37/90) [1992] ECR I-3061 . . . 159, 160, 162
- Mulder v Minister van Landbouw en Visserij (Mulder I) (Case 120/86) [1988] ECR 2321 . . . 159, 162
- Municipality of Almelo and others v Energiebedrijf IJsselmij NV (Case C-393/92) [1994] ECR I-1477 . . . 299
- National Panasonic (UK) Ltd v Commission (Case 136/79) [1980] ECR 2033 . . . 313
- National Union of Teachers v Governing Body of St. Mary's Church of England (Aided) Junior School [1997] 3 CMLR 630 . . . 84
- Neath v Hugh Steeper (Case C-152/91) [1993] ECR I-6935; [1995] 2 CMLR 357 . . . 328
- Nederlandsche Banden-Industrie Michelin NV v Commission (Case 322/81) [1983] ECR 3461 . . . 287, 294
- Netherlands State v Reed (Case 59/85) [1985] ECR 1283 . . . 217
- Nimz v Freie und Hansestadt Hamburg (Case 184/89) [1991] ECR 297 . . . 336
- Oebel (Case 155/80) [1981] ECR 1993 . . . 194
- Office Nationale de l'Emploi v Minne (Case C-13/93) [1994] ECR I-371 . . . 346
- O'Flynn v Adjudication Officer (Case C-237/94) [1996] ECR I-2617 . . . 224
- Orken v Commission (Case 374/87) [1989] ECR 3283 . . . 318
- Outokumpu Oy (Case C-213/96) [1998] ECR I-1777 . . . 183
- P v S and Cornwall County Council (Case C-13/94) [1996] ECR I-2143 . . . 339, 340
- Parliament v Council (Chernobyl) (Case C-70/88) [1970] ECR I-2041 . . . 132
- Pastätter v Hauptzollamt Bad Reichenhall (Case C-217/89) [1990] ECR I-4585 . . . 162
- Patrick v Ministre des Affaires Culturelles (Case 11/77) [1977] ECR 1199 . . . 239
- Pickin v BR Board [1994] 4 All ER 609 . . . 39
- Piraiki-Patraiki and others v Commission (Case 11/82) [1985] ECR 207 . . . 136, 140, 141
- Plaumann & Co v Commission (Case 25/62) [1963] ECR 95 . . . 137
- Politi SAS v Ministero delle Finanze (Case 43/71) [1973] ECR 1039 . . . 78
- PreussenElektra AG v Schleswig AG (Case C-379/98) [2001] ECR I-2099 . . . 203
- Procureur du Roi v Dassonville (Case 8/74) [1974] ECR 837 . . . 189, 190
- Procureur du Roi v Royer (Case 48/75) [1976] ECR 497 . . . 219, 220

- Professional Contractor's Group and others v Commissioners of Inland Revenue [2001] EWCA Civ 1945; [2002] STC 165 . . . 114
- Pronuptia de Paris GmbH v Pronuptia de Paris Irmgard Schillgalis (Case 161/84) [1986] ECR 353 . . . 261, 263, 264, 265, 268
- Pubblico Ministero v Ratti (Case 148/78) [1979] ECR 1629 . . . 81
- R v Bouchereau (Case 30/77) [1977] ECR 1999 . . . 230, 232, 233
- R v Henn and Darby [1980] 2 All ER 166 . . . 118, 119, 120, 187, 198
- R v HM Treasury ex parte British Telecommunications plc (Case C-392/93) [1996] 2 CMLR 217 . . . 93, 94, 95, 96
- R v Immigration Appeal Tribunal, ex parte Antonissen (Case C-292/89) ECR I-745 . . . 219
- R v Immigration Appeal Tribunal and Singh, ex parte Secretary of State for the Home Department (Case C-370/90) ECR I-4265 . . . 213, 214, 218
- R v International Stock Exchange of the UK and the Republic of Ireland Ltd ex parte Else (1982) Ltd and others [1993] QB 534 . . . 110–11, 114
- R v Ministry of Agriculture Fisheries and Food ex parte Hedley Lomas (Case C-5/94) [1996] 2 CMLR 391 . . . 94, 96
- R v Ministry of Agriculture Fisheries and Food ex parte Portman Agrochemicals Ltd [1994] 3 CMLR 18 . . . 115
- R v Pharmaceutical Society of Great Britain (Cases 266 & 267/87) [1989] ECR 1295 . . . 186, 200, 201
- R v Pharmaceutical Society of Great Britain ex parte the Association of Pharmaceutical Importers [1987] 3 CMLR 951 . . . 108
- R v Pieck (Case 157/79) [1980] ECR 2171 . . . 220
- R v Secretary of State ex parte Seymour-Smith [1999] ECR I-623 . . . 325
- R v Secretary of State for the Environment ex parte RSPB [1995] JPL 842 . . . 119, 120
- R v Secretary of State for the Home Department ex parte Evans Medical Ltd (Case C-324/93) [1995] ECR I-563 . . . 202
- R v Secretary of State for the Home Department ex parte Gallagher [1996] 2 CMLR 951 . . . 94, 97
- R v Secretary of State for Transport ex parte Factortame Ltd (Factortame I) (Case C-213/89) [1989] 3 CMLR 1 . . . 39, 41, 99, 113, 119, 120, 126
- R v Secretary of State for Transport ex parte Factortame Ltd (Factortame II) (Case C-221/89) [1991] ECR I-3905 . . . 41, 42
- R v Secretary of State for Transport ex parte Factortame Ltd (Factortame III) (Joined Cases C-46 and C-48/93) [1996] 1 CMLR 889 . . . 90, 92–8, 102, 103, 106, 156
- R v Secretary of State for Transport ex parte Santillo (Case 131/79) [1980] 2 CMLR 308 . . . 80
- R v Thompson (Case 7/78) [1978] ECR 2247 . . . 199
- Rau (Walter) Lebensmittelwerke v De Smedt PvBA (Case 261/81) [1982] ECR 3961 . . . 188, 191, 193
- Reina v Landeskreditbank Baden-Württemberg (Case 65/81) [1982] ECR 33 . . . 225
- Remia BV v Commission (Case 42/84) [1985] ECR 2545 . . . 263, 264, 265
- Rewe Handelsgesellschaft Nord Mbh and Rewe-Markt Steffen v Hauptzollamt (Case 158/80) [1981] ECR 1005 . . . 102
- Rewe-Zentralfinanz v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon case) (Case 120/78) [1979] ECR 649 . . . 191–3
- Rewe-Zentralfinanz v Direktor der Landwirtschaftskammer Westfalen-Lippe (Case 39/73) [1973] ECR 1039 . . . 181
- Rewe-Zentralfinanz v Landwirtschaftskammer Bonn (San Jose Scale) (Case 4/75) [1975] ECR 843 . . . 190, 200
- Reyners v Belgium (Case 2/74) [1974] ECR 631 . . . 238, 244
- Rheinmühlen-Düsseldorf v Einführ- und Vorratsstelle für Getreide und Futtermittel (Cases 146 & 166/73) [1974] ECR 33 . . . 109–10, 112
- Rinner-Kühn v FWW Spezial-Gebäudereinigung GmbH & Co KG (Case 171/88) [1989] ECR 2743 . . . 324, 325, 335–6
- Roberts v Birds Eye Walls Ltd (Case C-132/92) [1993] ECR I-5579 . . . 328
- Roberts v Tate & Lyle Industries (Case 151/84) [1986] ECR 703 . . . 341–2
- Roquette Frères v Commission (Case 20/88) [1989] ECR 1553 . . . 163
- Roquette Frères v Council (Case 138/79) [1978] ECR 3333 . . . 14, 139, 147

- Roquette Frères v French Customs
 Administration (Case 145/79) [1980] ECR 2917 . . . 163
- RSH and Tunnel Refineries Ltd v Council and Commission (Cases 103 & 145/77) [1978] ECR 2037 . . . 163
- RTE and ITP v Commission (Cases C-241 & 242/91P) [1995] ECR I-743 . . . 297
- RTE v Commission (Case T-69/89) [1991] ECR II-485 . . . 286, 290, 297
- Rummler v Dato-Druck GmbH (Case 237/85) [1986] ECR 2101 . . . 331
- Rutili v Ministre de l'Intérieur (Case 36/75) [1975] ECR 1219 . . . 228, 229, 231–2
- Säger v Dennemeyer & Co Ltd (Case C-76/90) [1991] ECR I-4221 . . . 241
- Saint and Archer v Council and Commission (Case T-554/93) [1997] 2 CMLR 527 . . . 172
- Sala v Freistaat Bayern (Case C-85/96) [1998] ECR I-2691 . . . 209, 225
- Salamander AG v Parliament (T-172/98) [2000] ECR II-2487 . . . 146
- Sayag v Leduc (Case 9/69) [1969] ECR 329 . . . 167
- Schmidberger v Austria (Case C-112/00) [2003] ECR I-5659 . . . 191
- Schnorbus v Land Hessen (Case C-79/99) [2000] ECR I-1099 . . . 347–8
- Schutzverband gegen unlauteren Wettbewerb v TK-Heimdienst Sass GmbH (Case 254/98) [2000] ECR I-151 . . . 196
- Scrivner v Centre Public d'Aide Sociale de Chastre (Case 122/84) [1985] ECR 1027 . . . 225
- Sealink/B and I Holyhead: Interim Measures [1992] 5 CMLR 255 . . . 287, 298, 307
- Simmenthal SpA v Italian Minister of Finance (Simmenthal I) (Case 35/76) [1976] ECR 1871 . . . 40
- Sirdar v Army Board and Secretary of State for Defence (Case C-273/97) [1999] ECR I-7403 . . . 345
- Sociaal Fonds voor de Diamanttarbeiders v Chougl Diamond Co (Cases 2 & 3/69) [1969] ECR 211 . . . 177, 179, 180
- Società Italiana Petroli SpA (IP) v Borsana Srl (Case C-2/97) [1998] ECR I-8597 . . . 123
- Società Italiana Vetro (SIV) v Commission (Cases 7–68, 75, 77 & 78/89) [1992] ECR II-1403 . . . 299
- Société Technique Minière v Maschinenbau Ulm GmbH (Case 56/65) [1966] ECR 235 . . . 255, 259, 260, 262, 263, 264
- Sofrimport SARL v Commission (Case C-152/88) [1990] ECR I-2477 . . . 141, 143, 164, 171
- Sotgiu v Deutsche Bundespost (Case 152/73) [1974] ECR 153 . . . 224, 227
- Spagl v Hauptzollamt Rosenheim (Case C-189/89) [1990] ECR I-4539 . . . 162
- Spijker Kwasten BV v Commission (Case 231/82) [1983] ECR 259 . . . 138
- Steenhorst-Neerings v Bestuur van de Bedrijfsvereniging voor Detailhandel (Case C-338/91) [1993] ECR I-5475 . . . 101
- Steymann v Staatssekretaris van Justitie (Case 196/87) [1988] ECR 6159 . . . 216
- Stoke-on-Trent Council v B & Q (Case 1469/91) [1992] ECR I-6635 . . . 195
- Terhoeve v Inspecteur van de Belastingdienst Particulieren/Ondernemingen Buitenland (Case C-18/95) [1999] ECR I-345 . . . 213
- Tetra Pak International SA v Commission (Case C-333/94P) [1996] ECR I-5951 . . . 295
- Thiffrey v Conseil de l'Ordre des Avocats à la Cour de Paris (Case 71/76) [1977] ECR 765 . . . 239
- Timex Corporation v Council [1985] ECR 849 . . . 142
- Toepfer Getreide-Import Gesellschaft v Commission (Cases 106 & 107/63) [1965] ECR 405 . . . 139–40
- Torfaen Borough Council v B & Q plc (Case 145/88) [1989] ECR 3851 . . . 194, 195
- Transocean Marine Plant Association, Re [1967] CMLR D9 . . . 253, 254, 269, 271, 272
- Trent Taverns Ltd v Sykes [1999] NPC 9 . . . 109
- Trinity Mirror plc v Commissioners of Customs and Excise [2001] EWCA Civ 65; [2001] 2 CMLR 33 . . . 114, 120
- UK v Council (Working Time Directive) (Case C-84/94) 3 CMLR 671 . . . 147
- UNICME and Others v Council (Case 123/77) [1978] ECR 845 . . . 135, 136
- Unifruit Hellas v Commission (Case T-489/93) [1996] 1 CMLR 267 . . . 141
- Union de Pequeños Agricultores (UPA) v Council (Case C-50/00) [2002] 3 CMLR 1 . . . 143–4, 145

xxvi TABLE OF CASES

- Union Royal Belge des Sociétés de Football Association ASBL v Bosman (Case 415/93) [1995] ECR I-4921 . . . 222, 223
- United Brands Co v Commission (Case 27/76) [1978] ECR 207 . . . 280, 281, 284, 286, 287, 288, 289–90, 292, 293, 297
- Vacuum Interrupters Ltd [1977] 1 CMLR D67 . . . 261
- Van Binsbergen v Bestuur van de Bedrijfsvereniging voor de Metaalnijverheid (Case 33/74) [1974] ECR 1299 . . . 238, 241
- Van Duyn v Home Office (Case 41/74) [1974] ECR 1337 . . . 14, 80, 81, 231, 232
- Van Gend en Loos v Nederlandse Administratie der Belastingen (Case 26/62) [1963] ECR 1 . . . 78, 79, 179
- Vauxhall Estates v Liverpool Corporation [1932] 1 KB 733 . . . 39
- Vereeniging van Cementhandelaren v Commission (Case 8/72) [1972] ECR 977 . . . 261
- Vereinigte Familiapress Zeitungsverlags- und Vertriebs GmbH v Heinrich Bauer Verlag (Case C-368/95) [1997] ECR I-3689 . . . 194
- Vinal v Orbat (Case 46/80) [1981] ECR 77 . . . 123
- Vlassopoulou v Ministerium für Justiz (Case 340/89) [1991] ECR I-2357 . . . 239
- Volk v Établissements Vervaecke Sprl (case 5/69) [1969] ECR 295 . . . 261
- Von Colson and Kamann v Land Nordrhein-Westfalen (Case 14/83) ECR 1891 . . . 86, 87, 102
- Von Deetzen v Hauptzollamt Hamburg-Jonas (Case 170/86) [1988] ECR 2355 . . . 159, 162
- Vroege v NCIV Instituut voor Volkshuisvesting BV and Stichting Pensioenfonds NCIV (Case C-57/93) [1994] ECR I-4541 . . . 324, 325, 327
- Wagner Miret v Fondo de Garantía Salarial (Case C-334/92) [1995] 2 CMLR 49 . . . 88, 89
- Walker (John) v Ministeriet for Skatter (Case 243/84) [1986] ECR 875 . . . 184
- Webb v EMO Air Cargo (UK) Ltd (No 2) [1995] 4 All ER 577 . . . 89, 90, 349, 350
- White and White v Motor Insurers Bureau . . . 87
- Wiener S. I. GmbH v Hauptzollamt Emmerich (C-338/95) [1998] 1 CMLR 1110 . . . 114
- Wijzenbeek (Case C-378/97) [1999] ECR I-6207 . . . 211
- Windsurfing International v Commission (Case 193/83) [1986] ECR 611 . . . 260
- Worringham v Lloyd's Bank Ltd (Case 69/80) [1981] ECR 767 . . . 324
- Wouters v Netherlands Bar (Case C-309/99) [2002] ECR I-1577 . . . 257
- Zuckerfabrik Schöppenstedt v Council (Case 5/71) [1971] ECR 975 . . . 160, 161

■ TABLE OF STATUTES

Accession Treaties . . . 45	Directive 75/34 . . . 237
Amsterdam Treaty . . . 1, 12, 15, 29, 43, 45, 55, 57, 58, 59–61, 71, 72, 73, 74, 75, 235, 322, 330, 347	Directive 75/117 (equal pay) . . . 322, 329, 330–1, 333, 339
Protocol . . . 64	art. 1 . . . 329, 330, 331
Protocol (No 2) . . . 60, 61	art. 2 . . . 333
Budgetary Treaties (1970 and 1975) . . . 13, 45	art. 4–art. 6 . . . 333
Charter of Fundamental Rights of the EU art. 47 . . . 144	Directive 76/207 (equal treatment) . . . 82, 83, 85, 86, 87, 89, 90, 102, 322, 329, 333, 337, 338, 339, 340, 341, 342, 343, 347, 348, 349, 350
Community Charter of Fundamental Social Rights of Workers . . . 15	art. 1 . . . 338
Convention for the Protection of Human Rights and Fundamental Freedoms art. 8 . . . 214	art. 1(2) . . . 340, 341
Directive 64/221 . . . 80, 213, 218, 229–35, 238, 244 Annex . . . 234	art. 2 . . . 343
art. 1 . . . 229, 244	art. 2(1) . . . 333–4, 339, 350
art. 2 . . . 229	art. 2(2) . . . 334, 343, 344, 345, 350
art. 2(1) . . . 229, 230	art. 2(3) . . . 343, 346, 350
art. 2(2) . . . 230	art. 2(4) . . . 344, 346, 347, 348
art. 3 . . . 229, 230, 233	art. 2(6) . . . 344
art. 3(1) . . . 231, 232	art. 2(7) . . . 343, 346
art. 3(1)–(4) . . . 230	art. 2(8) . . . 344, 346
art. 3(2) . . . 232–3	art. 3–art. 4 . . . 340
art. 4 . . . 229, 230	art. 5 . . . 340, 341, 342
art. 4(1)–(2) . . . 230, 234	art. 6 . . . 340, 352
art. 5–art. 8 . . . 229, 234	art. 7 . . . 340
art. 9 . . . 229, 234, 235	Directive 77/249 . . . 242
art. 10 . . . 229	art. 1(1) . . . 242
Directive 68/360 . . . 213, 214, 218–21, 237 art. 2 . . . 218	art. 4(1) . . . 242
art. 3 . . . 218	art. 5 . . . 242
art. 3(1)–(2) . . . 218	Directive 79/7 (social security) . . . 322, 341, 351
art. 4 . . . 218	art. 7(1)(a) . . . 341, 342
art. 4(3) . . . 219	Directive 80/897 . . . 88, 89
art. 4(3)(b) . . . 219	Directive 84/5 (Second Motor Insurance Directive) . . . 84
art. 6 . . . 219	Directive 86/378 . . . 322, 341, 351
art. 7(1) . . . 219	art. 9 . . . 342
Directive 70/50 . . . 187–9 art. 2 . . . 188	art. 9(a) . . . 341
art. 2(1) . . . 188	Directive 86/613 . . . 322, 351
art. 2(3)(b) . . . 188	art. 4 . . . 351
art. 2(3)(m) . . . 188	art. 6 . . . 351
art. 3 . . . 188, 189	Directive 90/364 . . . 208, 210
Directive 73/148 . . . 214, 237, 244 art. 1(1)(b) . . . 244	Directive 90/365 . . . 208
	Directive 90/366 . . . 208, 247
	Directive 91/439 . . . 82
	Directive 92/51 . . . 240
	Directive 92/85 . . . 323, 344, 346, 349, 350 art. 10 . . . 349
	Directive 93/96 . . . 208, 247 art. 1 . . . 247

xxviii TABLE OF STATUTES

Directive 93/97	
art. 3 . . . 247	
Directive 93/104 (Working Time Directive)	
. . . 82	
Directive 96/34 . . . 346	
Directive 96/97 . . . 322, 342, 351	
Directive 97/80 . . . 332, 334	
Directive 97/81 . . . 336	
Directive 98/5 . . . 240	
Directive 2000/43 . . . 322, 334	
Directive 2000/78 . . . 322, 340	
Directive 2001/19 . . . 240	
Directive 2002/73 . . . 322, 333, 334, 337, 338, 339,	
344, 350, 352	
art. 1 . . . 334	
art. 1(2) . . . 343	
EC Treaty (Treaty of Rome) . . . 1, 2, 10, 11, 34, 37,	
43, 44, 45, 46, 55, 56, 59, 60, 61, 62, 70, 72, 74,	
105, 116, 132, 144	
art. 2 . . . 3, 7, 43, 322	
art. 3 . . . 3, 7, 43, 66, 248, 322	
art. 3(1)(a) . . . 178	
art. 3(1)(c) . . . 207, 211	
art. 3(1)(g) . . . 253, 279	
art. 4 . . . 66, 67	
art. 5 . . . 62, 63, 93	
art. 7 . . . 17	
art. 10 . . . 39, 40, 91, 191	
art. 11 . . . 75	
art. 11a . . . 75	
art. 12 . . . 207, 209, 212, 217, 228, 237, 238, 239,	
244, 245, 246	
art. 13 . . . 322, 340	
art. 14 . . . 56, 64, 72, 175, 178, 207, 211, 235	
art. 17 . . . 64, 65, 66, 208	
art. 17(2) . . . 209	
art. 18 . . . 64, 65, 211	
art. 18(1) . . . 209, 210, 211	
art. 19–art. 22 . . . 65	
art. 23 . . . 176, 177	
art. 24 . . . 177	
art. 25 . . . 78, 79, 178–81, 182	
art. 26–art. 27 . . . 176	
art. 27a . . . 74	
art. 28 . . . 96, 118, 119, 186, 187, 188, 189, 190,	
191, 192, 194–7, 203, 205	
art. 29 . . . 186, 197	
art. 30 . . . 96, 118, 187, 190, 192, 197–204, 205	
art. 37(2) . . . 50, 52	
art. 39 . . . 80, 97, 110, 213, 217, 219, 222, 223,	
224, 225, 230, 231	
art. 39(2) . . . 213, 223	
art. 39(3) . . . 218, 227, 228–9	
art. 39(4) . . . 226–7, 243, 244	
art. 42 . . . 235	
art. 43 . . . 94, 220, 238, 239	
art. 44 . . . 238	
art. 45 . . . 238, 243–4	
art. 46–art. 47 . . . 238	
art. 49 . . . 214, 238, 239, 246	
art. 50 . . . 238, 239	
art. 52 . . . 238	
art. 55 . . . 238, 243	
art. 62(1) . . . 30	
art. 70 . . . 63	
art. 81 . . . 251–76, 279, 280, 291, 298, 299, 303,	
304, 305, 306, 308, 309, 310, 312, 315, 319	
art. 81(1) . . . 251, 254, 255–69, 274, 275, 291,	
296, 303, 304, 305, 313	
art. 81(1)(a) . . . 254, 267–8	
art. 81(1)(b) . . . 254, 268	
art. 81(1)(c)–(e) . . . 254, 269	
art. 81(2) . . . 251, 254, 255, 303	
art. 81(3) . . . 251, 254, 255, 266, 267, 269–72,	
276, 303, 304, 319	
art. 82 . . . 251, 253, 255, 272, 279–301, 303, 304,	
305, 306, 308, 309, 310, 312, 315, 319	
art. 85 . . . 305	
art. 86 . . . 49	
art. 87–art. 89 . . . 253	
art. 88(2) . . . 151	
art. 90 . . . 123, 181–5	
art. 90(1) . . . 182–4	
art. 90(2) . . . 184–5	
art. 94 . . . 147, 203–4	
art. 94(5) . . . 204	
art. 95 . . . 52, 133	
art. 95(1) . . . 204	
art. 95(4) . . . 204	
art. 104 . . . 69	
art. 104(1) . . . 68	
art. 104(9) . . . 68	
art. 104(11) . . . 68	
art. 105 . . . 69	
art. 105(6) . . . 26	
art. 106 . . . 69	
art. 110 . . . 69	
art. 116 . . . 68	
art. 121 . . . 68	
art. 122–art. 123 . . . 69	
art. 137 . . . 21	
art. 138147	
art. 141 . . . 79, 80, 127, 321, 322, 323–30, 334,	
337, 338, 342, 348	
art. 141(4) . . . 344, 347, 348	
art. 150 . . . 52, 246	
art. 151 . . . 246	
art. 152 . . . 52	
art. 174 . . . 44, 133	
art. 175 . . . 43, 133	
art. 175(2) . . . 50	
art. 190 . . . 49	