

N

Cases & Materials on



EU Law

Stephen Weatherill



Cases and Materials on
EU Law

Sixth Edition

Stephen Weatherill

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

© Stephen Weatherill 2003

The moral rights of the author have been asserted
Database right Oxford University Press (maker)

First published 1992
Reprinted 1993
Second Edition 1994
Reprinted 1995
Third Edition 1996
Reprinted 1997
Fourth Edition 1998
Reprinted 1999
Fifth Edition 2000
Reprinted 2002, 2002 (twice)
Sixth Edition 2003

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 organizations. 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

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library
ISBN 0-19-9258783

Typeset by RefineCatch Limited, Bungay, Suffolk
Printed in Great Britain by
Ashford Colour Press Ltd., Gosport, Hants

PREFACE

It may seem perverse to begin a Preface explaining what a book is *not* about, but in the case of the law of the European Union I think it is justified. The subject has grown at such a pace over recent years that it is no longer possible to aspire to write a book which is truly comprehensive. The best that one can do is to select areas for examination which seem particularly important and then to use those areas as illustrations to draw out the themes and principles on which the law is based. In this way, one can encourage the student to develop a *communautaire* approach which will permit him or her to tackle substantive areas beyond the scope of this book. So, although it is easy to explain away a failure to cover the full extent of the law of the European Union simply by pointing out how much there is of it, I hope that this book has adopted a coherent principle in deciding what to include and what to exclude.

The book is *not* about English law and its reaction to membership of the Union. There is no deep exploration of Parliamentary Sovereignty or the European Communities Act 1972. This is a European law book. Nevertheless, the development of the European Community legal order, and lately a European Union legal order, has not occurred in isolation and is in part dependent on action and reaction at national level. In depicting this process, I have tended to draw on the example of the British experience of the impact of Community membership. However, the *Cohn Bendit* decision (p.147) will provide an example of practice in another Member State and the student should always be prepared to look beyond domestic law. Most of all, the attitudes of German courts cannot be ignored, and I have included the *Brunner* decision relating to ratification of the Maastricht Treaty (p.689) and the *Bananas* decision concerning the protection of fundamental rights (p.693).

I have touched relatively little on matters of external competence. There is, for example, passing reference only to the Common Customs Tariff, the Common Commercial Policy and Treaty-making competence generally. Anti-dumping law is examined more for what it tells us about judicial review than for its substantive importance. The growth of a Common Foreign and Security Policy is located in the context of the three-pillar Union edifice constructed at Maastricht (p.9), but not examined in detail. I have adopted this primarily internal focus with regret, aware that it smacks of an unappealing 'Fortress Europe' attitude. But I think that my choice is in this respect in accordance with most British University degree courses in EU law.

This sixth edition has been written now that the Treaty of Nice has entered into force; it did so on 1 February 2003. I have provided an overview of the progress of recent Union history in the book's first Chapter. Pages 9–14 sweep the reader through a decade of Treaty revision from Maastricht, through Amsterdam to Nice and summarise the relevant changes effected by these instruments. Page 12 explains the most dramatically trivial impact of this process, the re-numbering of the Treaties, which forces the reader to adopt a pre- and a post-Amsterdam sensitivity to numerical change. The table of equivalence between Treaty provisions is set out at p.xlvii and the Community judicature's approach

to citation of Treaty articles is found at p.lvii. All the relevant amendments effected at Amsterdam and Nice are, of course, woven into the examination of the law throughout the book.

The Nice Treaty is by no means the end of the line. The future already beckons. Enlargement of the Union will bring ten States from Central, Eastern and Southern Europe into the fold in 2004 (p.14). A further round of Treaty revision is expected, in part to cope with the pressures brought to bear by enlargement but, more ambitiously, to place the institutional and constitutional structure of the Union on a more enduring footing. The role of the Convention on the Future of Europe is examined at pp.30–32 and, as promised, progress will be tracked on this book's Companion Website.

In previous editions, essential updating apart, my approach to amendment has always been to prefer to leave material untouched in cases of doubt rather than fiddle with it. I hope this has ensured the book's familiarity to users. But for this sixth edition I have adopted a different approach. Much familiar material has been retained. But the book's structure has been altered. In part this is in response to some of the trends and challenges that have come to dominate European law scholarship. In part it is designed to freshen up the text. There are now four parts to the book. The first part covers the Constitutional law of the EU. This covers the growth of the system from Community to Union, institutional design, lawmaking and law enforcement and the shaping of a 'constitutionalised' legal order involving attribution of supremacy and direct effect to EC law. The second Part of the book examines Community trade law and policy—the law of the internal market, including assessment of the status of European citizenship. The third part of the book deals with Competition law, covering Articles 81 and 82 EC and their enforcement (but in this new edition excluding with regret the specialist topic of intellectual property). The fourth and final part of the book is entirely new. It is entitled Policy-Making, Governance and the Constitutional Debate. It is designed to expose the reader to some of the most pressing and—I hope—inspiring contemporary challenges in the shaping of an effective, efficient and trustworthy system of governance for Europe—common policymaking, subsidiarity, flexibility, selection of instruments of lawmaking and, more broadly, of governance and, ultimately, the conundrums of legitimacy and democracy beyond the nation State.

As in the previous editions of the book, my concern remains to depict the dynamic process of evolution in the European Union. I have maintained the range of material used in the previous editions, while making some adjustment in the particular sources used. I use lawyers, practising and academic, but also economists, political scientists and journalists. My aim remains to encourage the student to appreciate how the legal order has been developed (and is still in the process of being developed) in response to sometimes conflicting economic, social and political pressures.

I continue to owe countless debts of gratitude. Thank you to everyone who has helped. To those who filled in the Blackstone Press 'Questionnaires', I assure you that these are read and digested—I remain eager to receive consumer views on this book now that Oxford University Press have taken over responsibility for its publication, especially but only in response to the changes I have introduced for this sixth edition. For the past, I thank Blackstone Press, whose enthusiasm and

attention to detail is unsurpassed in my experience. For the present and future, I thank Oxford University Press, whose staff have a tough act to follow. But above all I thank Catherine Redgwell, without whom this book would have been written in a much less happy frame of mind.

Stephen Weatherill
July 2003

ACKNOWLEDGEMENTS

The permission of the following authors and publishers, who have kindly agreed to allow the use of material in this book, is gratefully acknowledged:

Extracts from the following article published in the *European Law Review* (Sweet and Maxwell Ltd): J. Usher, 'The Influence of National Concepts on Decisions of the European Court', (1976) 1 EL Rev 359.

Extracts from the following articles published in the *Common Market Law Review* (© Kluwer Academic Publishers):

O. Brouwer, 'Free movement of foodstuffs and quality requirements: has the Commission got it wrong?', (1988) 25 CML Rev 237.

C. Closa, 'The Concept of Citizenship in the Treaty on European Union' (1992) 29 CML Rev 1137.

F. Mancini, 'The Making of a Constitution for Europe', (1989) 26 CML Rev 595.

Extracts from the following article published in the *Journal of Consumer Policy* (Kluwer Academic Publishers): N. Reich, 'Protection of Diffuse Interests in the EEC and the Perspective of Progressively Establishing an Internal Market', (1988) 11 JCP 395.

Extracts from the following articles published in the *Journal of Common Market Studies* (Basil Blackwell, Oxford): J. Pelkmans, 'The New Approach to Technical Harmonization and Standardization', (1986–87) JCMS 249; D. Hodson and I. Maher, 'The Open Method as a new mode of Governance' (2001) 39 JCMS 719.

Extract from the following article published in the *Notre Dame Law Review* (© Matthew Bender Inc., reprinted with permission from the original source, 1983 Fordham Corporate Law Institute, Antitrust and Trade Policies of the EEC): E. Fox, 'Monopolization and Dominance in the US and the EC: Efficiency, Opportunity and Fairness' (1986) 61 Notre Dame Law Rev 981.

Extracts from the following article published in *Legal Issues of European Integration* (Kluwer Academic Publishers): R. Dehousse, '1992 and Beyond: the Institutional Dimension of the Internal Market Programme', [1989/1] LIEI 109.

Extract from the following article published in the *Northern Ireland Legal Quarterly* (SLS Legal Publications): R. Harmsen, 'A European Union of Variable Geometry: Problems and Perspectives' (1994) 45 NILQ 109.

Extract from the following article published in the *Modern Law Review* (Blackwell Publishers, Oxford): F. Snyder, 'The Effectiveness of European Community Law: Institutions, Processes, Tools and Techniques', (1993) 56 MLR 19.

Extract from the following article published in the *Oxford Review of Economic Policy* (Oxford: Oxford University Press): H. Siebert and M.J. Koop, 'Institutional Competition versus Centralization: Quo Vadis Europe?' 9/1 Oxford Rev Ec Pol 15. By permission of Oxford University Press.

Extract from the *Common Market Law Reports* (reproduced with the permission of Sweet and Maxwell Ltd): *Minister of the Interior v Cohn Bendit* [1980] 1 CMLR 543.

Extracts from *The European Union: Economics and Policies*, 6th ed. A. M. El-Agraa (2001).
Extracts reprinted with the permission of Pearson Education Ltd.

Extracts from *1992: One European Market?*, eds R. Bieber, R. Dehousse, J. Pinder and J. Weiler (1988, Nomos Verlagsgesellschaft, Baden Baden).

Extracts from P. Cecchini, *The European Challenge: 1992, the Benefits of a Single Market* (1988, Wildwood House/Gower Publishing). Permission of the EC Commission is also gratefully acknowledged.

Extracts from *The European Community and the Challenge of the Future*, ed. J. Lodge (1990 and 2nd ed., 1993, Pinter Publishers Ltd, London). All rights reserved.

Extracts from J. Pinder, *European Community: The Building of a Union* (3rd ed., 1998, Oxford University Press). Copyright J. Pinder.

Extracts from R. Merkin, *A Guide to the Consumer Protection Act 1987* (1987, Financial Training Publications Ltd, London).

- Extracts from M. Wilke and H. Wallace, *Subsidiarity: Approaches to Power-Sharing in the European Community* (1990, Royal Institute of International Affairs, London). Published as RIIA Discussion Paper 27.
- Extract from *The Guardian* of 13 March 1987.
- Extract from *The Independent* of 24 November 1989.
- For the use of material from the *European Court Reports*, the Court of Justice of the European Communities.
- For the use of Community source material, the Commission of the European Communities.
- Extract from *The Court of Justice after Maastricht* in D. O'Keefe and P. Twomey (eds.), *Legal Issues of the Maastricht Treaty* (Chancery, 1994); permission granted by the author, William Robinson.
- Extract from *Société Stenuit v France* Series A no. 232-A (European Commission on Human Rights), the Council of Europe.
- Extract from the following article published in the *Cambridge Law Journal*: R. Caranta, 'Government Liability after Francovich' (1993) 52 CLJ 272, permission kindly granted by both journal and author.
- Extracts from the following articles published in *Aussenwirtschaft* (published by Verlag Rüeegger AG/ The Swiss Institute for Research into International Economic Relations, Economic Structures and Regional Science at St Gallen): H. Hauser and A. Müller, 'Legitimacy: the Missing Link for Explaining EU-Institution Building' (1995) 50 *Aussenwirtschaft* 17 and D. Curtin, 'The Shaping of a European Constitution and the 1996 IGC' (1995) 50 *Aussenwirtschaft* 237.
- Extracts from H.U. Jessurun D'Oliveira, 'Union Citizenship: Pie in the Sky?' in A. Rosas and E. Antola (eds), *A Citizens' Europe* (1995), Sage Publications, London).
- Extract from the following article published in the *Yearbook of European Law*: C. Timmermans, 'The constitutionalization of the European Union' (2002) 21 *Yearbook of European Law* 1.
- Extract from Miguel Poiars Maduro, 'Europe and the Constitution: *What if this is As Good As It Gets?*', Constitutionalism Web-Papers (University of Manchester), <http://les1.man.ac.uk/conweb/> ConWEB No. 5/2000.
- Extracts from A. Menon and S. Weatherill, 'Legitimacy, Accountability and Delegation in the European Union' in A. Arnulf and D. Wincott (eds), *Accountability and Legitimacy in the European Union* (OUP, 2002).
- Extracts from T. Kostakopoulou, 'Democracy-talk in the European Union: the Need for a Reflexive Approach', author's original version: edited version to be published subsequently in the *Columbia Journal of European Law*, 2003.
- Extract from V. Heiskanen and K. Kulovesi, *Function and Future of European Law* (Publications of the Faculty of Law, University of Helsinki).

TABLE OF CASES

(Bold face indicates extract material)

**Court of Justice of the European Communities
(chronological)**

Industrie Metallurgische SpA v High Authority of the ECSC (Case 15/57) [1957 and 1958] ECR 133 ... 238

Compagnie des Hauts Fourneaux de Chasse v High Authority of the ECSC (Case 15/57) [1957 and 1958] ECR 211 ... 238

Humblet v Belgium (Case 6/60) [1960] ECR 559 ... 169

Bosch v de Geus (Case 13/61) [1962] ECR 45 ... 187–8

San Michele and Others v Commission (Cases 5–11 and 13–15/62) [1962] ECR 449 ... 588

Germany v Commission (Case 24/62) [1963] ECR 63 ... 69

Plaumann v Commission (Case 25/62) [1963] ECR 95 ... 220–1, 222, 231, 264, 269, 274

Van Gend en Loos v Nederlandse Administratie der Belastingen (Case 26/62) [1963] ECR 1 ... 109–10, 123, 141, 147, 159, 168, 189, 190, 604, 712

Da Costa en Schaake (Cases 28–30/62) [1963] ECR 31 ... 203, 205

Costa v ENEL (Case 6/64) [1964] ECR 585 ... 99–100, 130–1, 168, 189, 190, 604

Établissements Consten SA and Grundig GmbH v Commission (Case 56 & 58/64) [1966] ECR 299, [1966] CMLR 418 ... 497–500, 510, 511, 512, 606

Schwarze v Einfuhr- und Vorratstelle Getreide (Case 16/65) [1965] ECR 877 ... 70

Société Technique Minière v Maschinenbau Ulm (Case 56/65) [1966] ECR 235, [1966] CMLR 357 ... 510

Brasserie de Haecht SA v Wilkin (Case 23/67) [1967] ECR 407, [1968] CMLR 26 ... 518–19, 522, 606

Commission v Italy (Case 7/68) [1968] ECR 423 ... 326–7

Società 'Eridania' Zuccherifici Nazionali v Commission (Cases 10 & 18/68) [1969] ECR 459 ... 236

Commission v Italy (Case 24/68) [1969] ECR 193, [1971] CMLR 611 ... 326, 327–8, 329

Sociaal Fonds voor de Diamantarbeiders v Brachfeld (Cases 2 & 3/69) [1969] ECR 211, [1969] CMLR 335 ... 328

Volk v Verwaecke (Case 5/69) [1969] ECR 295 ... 515

Portelange (Case 10/69) [1969] ECR 309 ... 604

Stauder v Ulm (Case 29/69) [1969] ECR 419, [1970] CMLR 112 ... 81, 188

ACF Chemiefarma v Commission (Quinine) (Cases 41, 44 & 45/69) [1970] ECR 661 416–7, [1986] 1 CMLR 506 ... 136, 503–4

Bilger v Jehle (Case 43/69) [1970] ECR 127 ... 520

ICI v Commission (Dyestuffs) (Case 48/69) [1972] ECR 619, [1972] CMLR 557 ... 500, 505–8

Commission v Belgium (Case 77/69) [1970] ECR 237 ... 112

Chevalley v Commission (Case 15/70) [1970] ECR 975 ... 260

Commission v Council (Case 22/70) [1971] ECR 263 ... 43–4, 104–5, 107, 232

International Fruit Company v Commission (Cases 41–44/70) [1971] ECR 411 ... 43, 44, 219–20, 232, 233

Internationale Handelsgesellschaft [1970] ECR 1125 ... 84

Aktien-Zuckerfabrik Schöppenstedt v Council (Case 5/71) [1971] ECR 975 ... 239–40, 241

Béguelin (Case 22/71) [1971] ECR 949 ... 604

International Fruit Company v Produktschap voor Groenten en Fruit (No. 2) (Cases 51–54/71) [1971] ECR 1107 ... 348–9

Continental Can v Commission (Case 6/72) [1973] ECR 215 ... 559, 561

Vereeniging van Cementhandelaren v Commission (Case 28/72) [1972] ECR 977 ... 523

Commission v Italy (Case 39/72) [1973] ECR 101 ... 113, 605

Brasserie de Haecht II (Case 48/72) [1973] ECR 77 ... 605

Geddo v Ente (Case 2/73) [1973] ECR 865, [1974] 1 CMLR ... 341, 342

Nold v Commission (Case 4/73) [1974] ECR 491 ... 81–2, 84, 86, 587

Balkan-Import-Export v Hauptzollamt Berlin-Packhof (Case 5/73) [1973] ECR 1091 ... 74

Istituto Chemicoterapico Italiano SpA and Commercial Solvents Corporation v Commission (Cases 6 & 7/73) [1974] ECR 223, [1974] 1 CMLR 309 ... 565, 567, 569

Variola v Amministrazione delle Finanze (Case 34/73) [1973] ECR 981 ... 103

Belgische Radio en Televisie v Sabam (Case 127/73) [1974] ECR 313 ... 528, 605

Rheinmühlen-Düsseldorf v Einfuhr- und Vorratstelle für Getreide und Futtermittel (No. 1) (Case 166/73) [1974] ECR 33 ... 188

Commission v France (Case 167/73) [1974] ECR 359 ... 102

- Reyners v Belgian State (Case 2/74) [1974] ECR 631, [1974] 2 CMLR ... 181, 447
- Procureur du Roi v Dassonville (Case 8/74)** [1974] ECR 837, [1974] 2 CMLR 436 ... 343, 344-5, 350, 386, 387, 395, 397, 398, 401, 402, 407, 414, 420
- Commission v Germany (Case 12/74) [1975] ECR 191 ... 351
- Transocean Marine Paint v Commission (Case 17/74)** [1974] ECR 1063, [1974] 2 CMLR 459 ... 88-92, 586
- Van Binsbergen v Bedrijfsvereniging Metaalnijverheid (Case 33/74) [1974] ECR 1299 ... 461
- Walrave v Association Union Cycliste Internationale (Case 36/74) [1974] ECR 1405 ... 446, 526
- Van Duyn v Home Office (Case 41/74)** [1974] ECR 1337 ... 123-5, 127, 141, 143-4, 147, 439-40, 442
- Cadsky v ICE (Case 63/74) [1975] ECR 281, [1975] 2 CMLR ... 329
- Bonsignore (Case 67/74) [1975] ECR 297 ... 442
- Rewe-Zentralfinanz GmbH v Landwirtschaftskammer (Case 4/75)** [1975] ECR 843, [1975] 1 CMLR 599 ... 376-8, 633
- Cristini v SNCF (Case 32/75) [1975] ECR 1085, [1975] 1 CMLR 573 ... 435-6
- Defrenne v SABENA (Case 43/75) [1976] ECR 455 ... 123, 125-8, 200, 261
- REWE (Case 45/75) [1976] ECR 181 ... 334
- Procureur du Roi v Royer (Case 48/75) [1976] ECR 497 ... 446
- Russo v AIMA (Case 60/75) [1976] ECR 45 ... 169
- Tasca (Criminal proceedings against)** (Case 65/75) [1976] ECR 291, [1977] 2 CMLR 183 ... 365, 399, 527
- Bresciani v Amministrazione Italiana delle Finanze (Case 87/75)** [1976] ECR 129, [1976] 2 CMLR 62 ... 328-9
- Kramer (Case 3/76) [1976] ECR 1279 ... 105
- Donà (Case 13/76) [1976] ECR 1333 ... 526
- Schottle v Finanzamt Freudenstadt (Case 20/76)** [1977] ECR 247, [1977] 2 CMLR ... 330-1
- Metro-SB-Grossmärkte GmbH & Co KG v Commission (Case 26/76)** [1977] ECR 1875 ... 223-4, 228, 495
- United Brands v Commission (Case 27/76)** [1978] ECR 207, [1978] 1 CMLR 429 ... 544-9, 550, 560, 562-4
- Rewe v Landwirtschaftskammer für das Saarland (Case 33/76) [1976] ECR 1989 ... 158, 169, 172
- Comet v Productschap (Case 45/76)** [1976] ECR 2043 ... 132-3, 135, 172
- Bauhuis v Netherlands (Case 46/76) [1977] ECR 5 ... 329, 350
- Nederlandse Ondernemingen (Case 51/76) [1977] 1 ECR 126 ... 142, 147
- Thieffry v Conseil de l'Ordre des Avocats à la Cour de Paris (Case 71/76)** [1977] ECR 765, [1977] 2 CMLR 373 ... 446-7, 449, 450, 455
- Ianelli & Volpi v Meroni (Case 74/76) [1977] ECR 557 ... 181
- Bayerische HNL Vermehrungsbetriebe GmbH & Co. KG v Council (Case 83/76) [1978] ECR 1209 ... 240
- HNL and Others v Council and Commission (Cases 83/76, 94/76, 4/77, 40/77, 15/77) [1978] ECR 1209 ... 180, 184
- Hoffmann-La Roche v Commission (Case 85/76) [1979] ECR 461 ... 531, 561
- Commission v Netherlands (Case 89/76) [1977] ECR 1355 ... 329-30
- Hoffman la Roche & Co. AG v Centrafarm Vertriebsgesellschaft Pharmazeutischer Erzeugnisse GmbH (Case 107/76)** [1977] ECR 957 ... 191, 203
- Tedeschi v Denkavit (Case 5/77) (1977) ECR 155 ... 378
- Sagulo, Brenca and Bakhouché (Case 8/77) [1977] ECR 1495 ... 432
- Fink-Frucht GmbH v Hauptzollamt München-Landsbergstrasse (Case 27/77) [1978] ECR 223 ... 334
- R v Bouchereau (Case 30/77)** [1977] ECR 1999, [1977] 2 CMLR 800 ... 440-1, 442-3
- BP v Commission (Case 77/77)** [1978] ECR 1511 ... 566
- Openbaar Ministerie v Van Tiggele (Case 82/77)** [1978] ECR 25, [1978] 2 CMLR 528 ... 365-6, 399
- Amministrazione delle Finanze v Simmenthal (Case 106/77)** [1978] ECR 629 ... 100-1, 103, 137, 138, 168, 172, 173, 605
- NTN Toyo Bearing Co. v Council (Case 113/77)** [1979] ECR 1185, [1977] ECR 1721 ... 226-7, 230, 233-4
- UNICME v Council [1978] ECR 845 ... 265
- Koninklijke Scholten-Honig NV v Council and Commission (Case 143/77) [1979] ECR 3583 ... 240
- Hansen (H.) jun. & O. C. Balle GmbH v Hauptzollamt Flensburg (Case 148/77) [1978] ECR 1787 ... 334
- Commission v Belgium (Case 156/77) [1978] ECR 1881 ... 252
- Hugin Kassaregister AB v Commission (Case 22/78)** [1979] ECR 1869, [1979] 3 CMLR 345 ... 559-60
- BMW v Belgium (Case 32/78) [1979] ECR 2435, [1980] 1 CMLR ... 504
- Simmenthal SpA v Commission (Case 92/78) [1979] ECR 777 ... 253
- Ministère public v Wesemael and Others (Cases 110-111/78) [1979] ECR 35 ... 451
- Knoors (Case 115/78) [1994] ECR I-4795 ... 461

- Rewe-Zentrale AG v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon) (Case 120/78) [1979] ECR 649, [1979] 3 CMLR 494 ... 181, 321, 350, 381–3, 385, 386, 387, 388, 392, 393, 397, 399, 400, 403, 406, 408, 411, 414, 415–17, 418, 420, 421, 422, 450, 453, 456, 458, 471, 501, 615, 624**
- Buitoni v FORMA (Case 122/78) [1979] ECR 677 ... 73**
- Commission v UK (Case 128/78) [1979] ECR 419 ... 113–14**
- Denkavit v France (Case 132/78) [1979] ECR 1923 ... 329**
- France v UK (Case 141/78) [1979] ECR 2923 ... 111**
- Pubblico Ministero v Ratti (Case 148/78) [1979] ECR 1629, [1980] 1 CMLR 96 ... 141–3, 147, 155, 378**
- Valsabbia v Commission (Case 154/78) [1980] ECR 907 ... 74–5**
- Commission v Italy (Case 159/78) [1979] ECR 3247, [1980] 3 CMLR 446 ... 349**
- Commission v France (Case 168/78) [1980] ECR 347, [1981] 2 CMLR 631 ... 333–4**
- Commission v UK (Case 170/78) [1983] ECR 2263, [1983] 3 CMLR 512 ... 334–5, 388**
- Ireks-Arkady v Council and Commission (Case 238/78) [1979] ECR 2955 ... 605**
- Union Laitière Normande (Case 244/78) [1979] ECR 2663 ... 191**
- Denkavit (Case 251/78) (1979) ECR 3369 ... 378**
- Nungesser v Commission (Case 258/78) [1982] ECR 2015, [1983] 1 CMLR 278 ... 510–11, 512, 514**
- Commission v Council (Case 22/70) [1971] ECR 263 ... 217–18**
- R v Henn and Darby (Case 34/79) [1979] ECR 3795, [1980] 1 CMLR 246 ... 367–9, 371, 372**
- Hauer v Rheinland-Pfalz (Case 44/79) [1979] ECR 3727 ... 83–6**
- Just (Case 68/79) [1980] ECR 501 ... 605**
- Commission v Italy (Cases 91–92/79) [1980] ECR 1099 ... 52**
- Foglia v Novello (No. 1) (Case 104/79) [1980] ECR 745, [1981] 1 CMLR 45 ... 191–2, 193**
- National Panasonic v Commission (Case 136/79) [1979] ECR 2033 ... 586, 592, 593, 595, 596**
- Roquette Frères v Council (Case 138/79) [1980] ECR 3333 ... 52, 707**
- Maizena v Council (Case 139/79) [1980] ECR 3393 ... 52**
- Chemial Farmaceutici v DAF (Case 140/79) [1981] ECR I ... 332–3**
- Commission v Belgium (Case 149/79) [1980] ECR 3881, [1981] 2 CMLR 413 ... 444**
- AM & S v Commission (Case 155/79) ... 89, 587, 591, 595**
- R v Pieck (Case 157/79) [1980] ECR 2171, [1980] 3 CMLR 220 ... 432**
- Commission v Italy (Case 213/79) [1980] ECR 1 ... 333**
- Philip Morris v Commission (Case 730/79) [1980] ECR 2671 ... 252**
- Gilli and Andres (Case 788/79) [1980] ECR 2071 ... 350**
- Calpak SpA Ltd v Commission (Cases 789 & 790/79) [1980] ECR 1949 ... 221–2**
- Ariete SpA v Amministrazione delle Finanze dello Stato (Case 811/79) [1980] ECR 2545 ... 138**
- MIRECO SaS v Amministrazione delle Finanze dello Stato (Case 811/79) [1980] ECR 2559 ... 138**
- Fietje (Case 27/80) [1980] ECR 3839 ... 409–10**
- L'Oréal v De Nieuwe AMCK (Case 31/80) [1980] ECR 3775 ... 568**
- Irish Creamery Milk Suppliers v Government of Ireland (Case 36/80) [1981] ECR 735, [1981] 2 CMLR 455 ... 190–1, 207**
- Cooperatieve Stremsel- en Kleurselfabriek v Commission (Case 61/80) [1981] ECR 851 ... 501, 510**
- ICC v Amministrazione delle Finanze (Case 66/80) [1981] ECR 1191, [1983] 2 CMLR 593 ... 199, 208, 260, 261**
- Musique Diffusion Française v Commission (Cases 100–103/80) [1983] ECR 1825 ... 586**
- Commission v Ireland (Case 113/80) [1981] ECR 1625, [1982] 1 CMLR 706 ... 349–52, 371**
- Kelderman (Case 130/80) [1981] ECR 351...**
- Oebel (Case 144/80) [1981] ECR 1993 ... 394**
- REWE-Handelsgesellschaft Nord GmbH v Hauptzollamt Kiel (Case 158/80) [1981] ECR 1805 ... 70, 169**
- Commission v Italy (Case 193/80) [1981] ECR 3019 ... 181, 388**
- Casati (Case 203/80) [1981] ECR 2595 ... 448**
- Foglia v Novello (No. 2) (Case 244/80) [1981] ECR 3045, [1982] 1 CMLR 585 ... 192–3, 196**
- Broeckmeulen v Huisarts Registratie Commissie (Case 246/80) [1981] ECR 2311 ... 200–1**
- Frans-Nederlandse Maatschappij voor Biologische Producten (Case 272/80) [1981] ECR 3277, [1982] 2 CMLR 497 ... 374, 375–6**
- Webb (Case 279/80) [1981] ECR 3305 ... 235, 450, 451**
- Diensten Groep v Beele (Case 6/81) [1982] ECR 707 ... 409**
- Becker v Finanzamt Münster-Innenstadt (Case 8/81) [1982] ECR 53 ... 145, 149, 150, 151, 152, 164**
- Levin v Staatssecretaris van Justitie (Case 53/81) [1982] ECR 1035, [1982] 2 CMLR 454 ... 428–30**

- Nordsee v Reederei Mond (Case 102/81) [1982]** ECR 1095 ... 201–2
- Adoui and Cornuaille v Belgian State (Cases 115 & 116/81) [1982]** ECR 1665, [1982] 3 CMLR 631 ... 441–2
- Commission v Ireland (Case C-249/81) [1982]** ECR 4005, [1983] 2 CMLR 104 ... 357–61, 364
- Rau (Walter) v de Smedt (Case 261/81) [1982]** ECR 3961 ... 190, 193, 388
- Coditel v Ciné-Vog Films (Case 262/81) ...** 514
- CILFIT (Case 283/81) [1982]** ECR 3415, [1983] 1 CMLR 472 ... 204–6
- Oosthoek (Case 286/81) [1982]** ECR 4575 ... 401
- Aluisi Italia SpA v Council and Commission (Case 307/81) [1982]** ECR 3463 ... 227–8, 230
- Michelin v Commission (Case 322/81) [1983]** ECR 3461 ... 561, 569, 587
- Delhaize (Cases 2–4/82) (1982)** ECR 2973 ... 378
- Morson v Netherlands (Cases 35–36/82) [1982]** ECR 3723, [1983] 2 CMLR 720 ... 476
- Commission v UK (Case 40/82) [1982]** ECR 2793, [1982] 3 CMLR 497 ... 371–3
- Commission v France (Case 42/82) [1983]** ECR 1013 ... 373
- Fromançais SA v FORMA (Case 66/82) [1983]** ECR 395 ... 73
- Commission v Belgium (Case 132/82) [1983]** ECR 1649, [1983] CMLR 600 ... 329
- Robards (Case 149/82) [1983]** ECR 171 ... 195
- Commission v Denmark (Case 158/82) [1983]** ECR 3573 ... 329, 335
- Officier van Justitie v Sandoz BV (Case 174/82) [1983]** ECR 2445, [1984] 3 CMLR 43 ... 373–5, 376, 378, 389, 409
- TWD Textilwerke Deggendorf GmbH v Germany (Case C-188/92) [1994]** ECR I-833 ... 251–3, 268
- EEC Seed Crushers' and Oil Processors' Federation (FEDOIL) v Commission (Case 191/82) [1983]** ECR 2913 ... 229
- Amministrazione delle Finanze dello Stato v San Giorgio (Case 199/82) [1983]** ECR 3595 ... 169, 173, 182
- Universität Hamburg v HZA Hamburg-Kehrwieder (Case 216/82) [1983]** ECR 2771 ... 248–9, 252, 262
- Apple and Pear Development Council v Lewis (Case 222/82) [1983]** ECR 4083, [1984] 3 CMLR 733 ... 361, 364
- Duphar and Others (Case 238/82) [1984]** ECR 523 ... 465
- Allied Corporation v Commission (Cases 239 and 275/82) [1984]** ECR 1005 ... 230
- Timex v Council and Commission (Case 264/82) [1985]** ECR 849 ... 228–30, 232
- Auer v Ministère Public (Case 271/82) [1983]** ECR 2727 ... 472
- Luisi and Carbone v Ministero del Tesoro (Cases 286/82 and 26/83) [1984]** ECR 377 ... 447
- Merck v Hauptzollamt Hamburg-Jonas (Case 292/82) [1983]** ECR 3781 ... 635
- Commission v Belgium (Case 314/82) [1984]** ECR 1543 ... 329, 330
- St Nikolaus v Hauptzollamt Krefeld (Case 337/82) [1984]** ECR 1051 ... 635
- IFG v Freistaat Bayern (Case 1/83) [1984]** ECR 349 ... 330
- Parliament v Council (Case 13/83) [1985]** ECR 1513 ... 234–6
- Von Colson and Kamann v Land Nordrhein-Westfalen (Case 14/83) [1984]** ECR 1891, [1986] 2 CMLR 430 ... 145, 160–2, 163, 346
- Prantl (Criminal proceedings against) (Case C-16/83) [1984]** ECR 1299, [1985] 2 CMLR 238 ... 371
- Campus Oil v Minister for Industry and Energy (Case 72/83) [1984]** ECR 2727 ... 378–9
- Harz v Deutsche Tradax (Case 79/83) [1984]** ECR 1921 ... 160
- Klopp (Case 107/83) [1984]** ECR 2971 ... 523
- Société de Produits de Maïs v Administration des Douanes (Case 112/83) [1985]** ECR 719 ... 200, 261, 262
- Adams v Commission (No. 1) (Case 145/83) [1985]** ECR 3539 ... 244–8
- Kohl v Ringelhan (Case 177/83) [1984]** ECR 3651, [1985] 3 CMLR 340 ... 371
- Windsurfing v Commission (Case 193/83) [1986]** ECR 611 ... 519
- Commission v UK (Case 207/83) [1985]** ECR 1202, [1985] 2 CMLR 259 ... 352–3, 399
- Municipality of Differdange v Commission (Case 222/83) [1984]** ECR 2889 ... 224–5
- Leclerc and Others v 'Au Blé Vert' and Others (Case 229/83) [1985]** ECR I ... 461
- Parti Écologiste 'Les Verts' v European Parliament (Case 294/83) [1986]** ECR 1339 ... 208, 216, 262, 269, 272, 276
- Commission v France (Case 21/84) [1985]** ECR 1356 ... 354
- Remia and Others v Commission (Case 42/84) [1985]** ECR 2545 ... 523
- Commission v Belgium (Case 52/84) [1986]** ECR 89 ... 596
- Cinéthèque SA v Fédération Nationale des Cinémas Français (Cases 60 & 61/84) [1985]** ECR 2605 ... 394, 399–400
- Commission v Italy (Case 103/84) [1986]** ECR 1759 ... 122
- Humblot v Directeur des Services Fiscaux (Case 112/84) [1985]** ECR 1367, [1986] 2 CMLR 338 ... 331–2
- Marshall v Southampton AHA (Case 152/84) [1986]** ECR 723, [1986] 1 CMLR 688 ... 144–6, 147, 148, 149, 151, 152, 155, 159, 160, 162, 163, 164–5

- Pronuptia de Paris GmbH v Pronuptia de Paris Irmgaard Schillgalis** (Case 161/84) [1986] ECR 353, [1986] 1 CMLR 414 ... 512–13, 514
- Commission v Germany** (Case 178/84) ... 177, 181, 387–92, 409
- R v Intervention Board, ex parte Man (Sugar) Ltd** (Case 181/84) [1985] ECR 2889 ... 72–4, 248
- Commission v Germany** (Case 205/84) [1986] ECR 3755, [1987] 2 CMLR 69 ... 450–3, 454, 467
- Johnston v Chief Constable of the Royal Ulster Constabulary** (Case 222/84) [1986] ECR 1651 ... 151, 269, 272, 587
- Motte** (Case 247/84) [1985] ECR 3887 ... 389–90
- Ministère Public v Muller and Others** (Case 304/84) [1986] ECR 1511 ... 390
- CBEM v CLT and IPB** (Case 311/84) [1985] ECR 3261 ... 569
- AKZO v Commission** (Case 5/85) [1986] ECR 2855 ... 586
- Schloh v Auto Controle Technique** (Case 50/85) [1986] ECR 1855 ... 346–8
- Lawrie-Blum v Land Baden-Württemberg** (Case 66/85) [1986] ECR 2121, [1987] 3 CMLR 389 ... 430
- Van der Kooy v Commission** (Cases 67, 68 and 70/85) [1988] ECR 219 ... 272
- Segers** (Case 79/85) [1986] ECR 2375 ... 461
- Nederlandse Bakkerij v Edah** (Cases 80 & 159/85) [1986] ECR 3359, [1988] 2 CMLR 113 ... 392
- Ahlström Osakyhtio v Commission (Woodpulp)** (Cases 89 et al/85) [1988] ECR 5193, [1988] 4 CMLR 901 ... 502–3, 509
- Union Deutsche Lebensmittelwerke v Commission** (Case 97/85) [1987] ECR 2265 ... 222–3, 251
- Conegate v Customs and Excise Commissioners** (Case 121/85) [1986] ECR 1007, [1986] 1 CMLR 739 ... 369–70, 371
- Rau (Walter) v BALM** (Cases 133–136/85) [1987] ECR 2289 ... 250–1, 252
- Maizena** (Case 137/85) [1987] ECR 4587 ... 75
- Kempf v Staatssecretaris van Justitie** (Case 139/85) [1986] ECR 1741, [1987] 1 CMLR 764 ... 430
- Commission v Italy** (Case 168/85) [1986] ECR 2945 ... 178
- Commission v Italy** (Case 184/85) [1987] ECR 2013 ... 335
- Cooperativa Cofrutta v Amministrazione delle Finanze dello Stato** (Case 193/85) [1987] ECR 2085 ... 335
- Commission v France** (Case 196/85) [1987] ECR 1597, [1988] 2 CMLR 851 ... 333
- Barra v Belgium** (Case 309/85) [1988] ECR 355 ... 128
- Vereniging van Vlaamse Reisbureaus v Sociale Dienst van de plaatselijke en gewestelijke Overheidsdiensten** (Case 311/85) [1987] ECR 3801 ... 528
- Foto Frost v HZA Lubeck Ost** (Case 314/85) [1987] ECR 4199 ... 207–8, 209, 254, 255, 262, 268, 272, 693
- Bond van Adverteerders and Others** (Case 352/85) [1988] ECR 2085 ... 465–6
- Feldain** (Case 433/85) [1987] ECR 3536 ... 332
- Commission v Belgium** (Case 1/86) [1987] ECR 2797 ... 112–13
- Pretore di Salò v X** (Case 14/86) [1987] ECR 2545 ... 162
- Blaizot v University of Liège** (Case 24/86) [1988] ECR 379 ... 128
- Lair v Universität Hannover** (Case 39/86) [1988] ECR 3161 ... 461
- Commission v Council** (Case 45/86) [1987] ECR 1493 ... 47, 70–1
- Commission v UK** (Case 60/86) [1988] ECR 3921 ... 633–4
- AKZO v Commission** (Case C-62/86) [1991] ECR I-3359 ... 568
- Ahmed Saeed Flugreisen v Zentrale zur Bekämpfung unlauteren Wettbewerbs** (Case 66/86) [1989] ECR 803, [1990] 4 CMLR 102 ... 528–9
- Officier van Justitie v Kolpinghuis Nijmegen** (Case 80/86) [1987] ECR 3969 ... 162–3, 167
- Unectef v Heylens** (Case 222/86) [1987] ECR 4097 ... 456
- Commission v Greece** (Case 240/86) [1988] ECR 1835 ... 122
- Ministère Public v Deserbais** (Case 286/86) [1988] ECR 4907 ... 385–6
- Enital v Commission and Council** (Case C-304/86) [1990] ECR I-2929 ... 230
- Neotype Techmashexport v Commission and Council** (Case C-305/86) [1990] ECR I-2945 ... 230
- Commission v Germany** (Case 18/87) [1988] ECR 5427 ... 329–30
- Commission v Italy** (Case 22/87) [1989] ECR 143 ... 168
- Commission v Ireland** (Case 45/87) [1988] ECR 4929, [1989] 1 CMLR 225 ... 417–18
- Hoechst v Commission** (Case 46/87) [1989] ECR 2859, [1991] 4 CMLR 410 ... 82, 83, 587–9, 590, 591, 592, 593, 596
- Dow Benelux v Commission** (Case 85/87) [1989] ECR 3137 ... 591, 592, 595
- Dow Chemical Iberica and Others v Commission** (Cases 97–99/87) [1989] ECR 3165 ... 593
- Nashua Corporation v Commission** (Cases C-133 and C-150/87) [1990] ECR I-719 ... 230
- Gestetner Holdings v Council and Commission** (Case C-156/87) [1990] ECR I-719 ... 230

- Electroimpex v Council [1990] ECR I-3021 ... 230
- Cowan v Le Trésor Public (Case 186/87) [1986] ECR 195 ... 447-8
- Oberkreisdirektor v Moormann (Case 190/87) [1988] ECR 4689, [1990] 1 CMLR 656 ... 378, 379, 633
- Star Fruit Co v Commission (Case 247/87) [1989] ECR 291 ... 114, 121
- Bettray v Staatssecretaris van Justitie (Case 344/87) [1989] ECR 1621, [1991] 1 CMLR 459 ... 430
- Orkem v Commission (Case 374/87) [1989] ECR 3283 ... 95, 595
- Enichem Base and Others v Comune di Cinsello Balsamo (Case 380/87) [1989] ECR 2491 ... 154
- Ministère Public v Buet (Case 382/87) [1989] ECR 1235 ... 400-1, 409, 636
- Parliament v Council (Case C-70/88) [1991] ECR I-4529 ... 50, 707
- Fratelli Costanzo v Comune di Milano (Case 103/88) [1989] ECR 1839 ... 149, 151-2, 164
- Commission v Italy (Case C-120/88) [1991] ECR I-621 ... 178
- Zuckerfabrik Süderdithmarschen and Zuckerfabrik Soest (Cases C-143/88 and C-92/89) [1991] 1 ECR 415 ... 174, 175, 179, 255-6, 257, 258, 259, 262, 595
- Torfaen BC v B & Q plc (Case 145/88) [1989] ECR 765 ... 393-5, 397, 399, 659
- Parfumerie Fabrik v Provide (Case C-150/88) [1989] ECR 3891, [1991] 1 CMLR 715 ... 194
- Commission v Germany (Case C-217/88) [1990] ECR I-2879 ... 596
- ECSC v Acciaierie e Ferriere Busseni (in liquidation) (Case 221/88) ... 151
- Messner (Case C-265/88) [1989] ECR 4209, [1991] 2 CMLR 545 ... 433
- Dzodzi v Belgian State (Cases C-297/88 and C-197/89) [1990] ECR I-3763 ... 95
- Grimaldi v Fonds des Malaises Professionelles (Case C-322/88) [1989] ECR 4407 ... 44
- Fedesa and Others (Case C-331/88) [1990] ECR I-4023 ... 595
- Procurator Fiscal, Stranraer v Marshall (Case 370/88) [1990] ECR I-420 ... 214
- Quietlynn Ltd v Southend on Sea BC (Case C-23/89) [1990] ECR I-3059 ... 397
- Procureur de la République v Bouchoucha (Case C-61/89) [1990] ECR I-3560 ... 450, 461
- Commission v France (Case C-62/89) [1990] ECR I-925 ... 643
- Commission v Netherlands (Case C-68/89) [1991] ECR I-2637 ... 433
- Mulder et al v Council and Commission (Cases C-104/89 and C-37/90) [1992] ECR I-3061 ... 241, 270
- Marleasing SA v La Comercial Internacional de Alimentacion SA (Case C-106/89) [1990] ECR I-4135 ... 163, 164, 165, 169, 170, 346
- Commission v Spain (Case C-119/89) [1991] ECR I-641 ... 178
- Commission v Italy (Case C-128/89) [1990] ECR I-3239 ... 373
- Commission v France (Case C-154/89) [1991] ECR I-659 ... 454-5
- Commission v Italy (Case C-180/89) [1991] ECR I-709 ... 467
- Foster v British Gas (Case C-188/89) [1990] ECR I-3313, [1991] 2 CMLR ... 150-1
- R v Secretary of State for Transport, ex parte Factortame (Case C-213/89) [1990] ECR I-2433, [1990] 3 WLR 852 ... 136, 137-40, 168, 173, 174, 260, 605
- Delimitis (Stergios) v Henninger Brau (Case C-234/89) [1991] ECR I-935, [1992] 5 CMLR 201 ... 514, 519-21, 522, 606
- Pall (Case C-238/89) [1990] ECR I-4827 ... 411
- Commission v UK (Case C-246/89R) [1989] ECR 3125 ... 117-19, 136
- ERT (Case C-260/89) [1991] ECR I-2925 ... 83, 411, 477, 590
- Stichting Collectieve Antennevoorziening Gouda v Commissariaat voor de Media (Case C-288/89) [1991] ECR I-4007 ... 456, 459
- R v IAT, ex parte Antonissen (Case C-292/89) [1991] ECR I-745, [1991] 2 CMLR 373 ... 430, 431
- Gibraltar v Council (Case C-298/89) [1993] ECR I-3605 ... 264
- Commission v Council (Case C-300/89) [1991] ECR I-2867 ... 50, 51, 52, 53, 64
- Codorniu SA v Council (Case C-309/89) [1994] ECR I-1853 ... 263-4, 265, 267, 268, 272, 273
- UDS v Conforama (Case C-312/89) [1991] ECR I-997 ... 396
- Marchandise (Case C-332/89) [1991] ECR I-1027 ... 396
- Vlassopoulou v Ministerium für Justiz, Bundes- und Europaangelegenheiten Baden-Württemberg (Case 340/89) [1991] ECR I-2357 ... 455-6, 472
- Sheptonhurst v Newham BC (Case C-350/89) [1991] ECR I-2387 ... 397
- Commission v Netherlands (Case C-353/89) [1991] ECR I-4069 ... 411
- Extramet v Council (Case C-358/89) [1991] ECR I-2501 ... 230-1, 262-3, 265, 272, 273
- Roux v Belgian State (Case C-363/89) [1991] ECR I-273 ... 446
- Piagemme v BVBA Peeters (Case 369/89) [1991] ECR I-2971 ... 410
- Commission v Belgium (Case C-2/90) [1992] ECR I-4431 ... 49, 413, 414
- Francovich and Others v Italian State (Cases 6/90 and 9/90) [1991] ECR I-5357, [1993] 2 CMLR ... 121, 154, 167, 168-9, 170, 171, 172,

- 174, 175, 177, 178, 179, 180, 182, 188, 241, 243, 604, 647
- Höfner v Macrotron (Case C-41/90) [1991]**
ECR I-1979 ... 529
- Säger v Denneweyer & Co Ltd (Case 76/90) [1991] ECR I-4221 ... 456
- Society for the Protection of Unborn Children Ireland Ltd (SPUC) v Grogan (Case C-159/90) [1991]** ECR I-4685, [1991] 3 CMLR 849 ... 83, 470–1, 590
- Emmott v Minister for Social Welfare (Case C-208/90) [1991] 3 CMLR 894 ... 175
- Parliament v Council (Case C-295/90) [1992] ECR I-4193 ... 49, 449
- Telemarsicabruzzo v Circostel (Cases C-320–322/90) [1993] ECR I-393 ... 196, 197
- R v IAT and Singh, ex parte Secretary of State (Case C-370/90) [1992] ECR I-4265, [1992] 3 CMLR 358 ... 476
- Meilicke (Wienand) v ADV/ORGA FA Meyer AG (Case C-83/91) [1992] ECR I-4871 ... 195, 196
- Dori (Paola Faccini) v Recreb Srl (Case C-91/92) [1994]** ECR I-3325 ... 148–9, 153, 156, 160, 163, 165, 170, 171, 488, 636, 644
- Ramrath (Case C-106/91) [1992] ECR I-3351 ... 467
- ENU v Commission (Case C-107/91) [1993] ECR I-599 ... 260
- Veronica Omroep Organisatie v Commissariaat voor de Media (Case C-148/91) [1993] ECR I-487 ... 411, 461
- Commission v Council (Case C-155/91) [1993]**
ECR I-939 ... 48–50, 51, 52, 53, 60
- Stoke-on-Trent and Norwich City Councils v B & Q (Case C-169/91), [1992]** ECR I-6457, [1993] CMLR 426 ... 396, 659
- Commission v Greece (Case C-183/91) [1993] ECR I-3131 ... 252
- Kirsammer-Hack v Sidal (Case C-189/91) [1993] ECR I-6185 ... 57
- Angelopharm (Case C-212/91) [1994] ECR I-171 ... 56
- Radio Téléfís Eireann and Independent Television Publications v Commission (Cases C-241/91P and C-242/91P) [1995]**
ECR I-801, [1995] 4 CMLR ... 566–7, 569
- Keck and Mithouard (Cases C-267–268/91) [1993]** ECR I-6097, [1995] 1 CMLR 101 ... 66, 344, 393, 397–8, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 418, 457, 458, 501, 659
- Marshall v Southampton AHA (Marshall '2') (Case 271/91) [1993] ECR I-4367 ... [1993] 3 CMLR ... 147, 148
- General Milk Products v Hauptzollamt Hamburg-Jonas (Case C-8/92) [1993] ECR I-779 ... 461
- Kraus v Land Baden-Württemberg (Case C-19/92) [1993] ECR I-1663 ... 462
- Commission v Anic (Case C-49/92P) [1999] ECR I-4125 ... 509
- Wagner Miret v Fondo de Garantía Salarial (Case C-334/92) [1993] ECR I-6911 ... 163, 164, 165
- Banks (H.) & Co. Ltd v British Coal Corporation (Case C-128/92) [1994] ECR I-1209 ... 604
- Montecatini v Commission (Case C-235/92) [1999] ECR I-4539 ... 514
- DLG (Case C-250/92) [1994] ECR I-5641 ... 514, 524
- Customs & Excise Commissioners v Schindler and Schindler (Case C-275/92) [1994] ECR I-1039 ... 457
- Schindler (Case C-275/92) [1994] ECR I-1039 ... 411
- Hünermund and Others (Case C-292/92) [1993] ECR I-6787 ... 402
- ADM Ölmühlen (Case C-339/92) [1993] ECR I-6473 ... 76
- Spain v Council (Case C-350/92) [1995] ECR I-1985 ... 62, 66
- Peralta (Case C-379/92) [1994] ECR I-3453 ... 531
- Commission v UK (Case C-382/92) [1994] ECR I-2435 ... 644
- Municipality of Almelo and others v Energiebedrijf IJssel NV (Case C-393/92) [1994]** ECR I-1477 ... 521–2, 531
- Tankstation 't Heukste vof and J. B. E. Boermans (Cases C-401 and C-402/92) [1994]** ECR I-2199 ... 398, 400
- TV10 v Commissariaat voor de Media (Case C-23/93) [1994] ECR I-4795 ... 461
- France v Commission (Case C-41/93) [1994]**
ECR I-1829 ... 629–30
- Brasserie du Pêcheur SA v Germany and R v Secretary of State for Transport: ex parte Factortame and others (Cases C-46/93 and C-48/93) [1996]** ECR I-1029, [1996] 1 CMLR 889 ... 177–84, 241, 242, 244
- Meyhui NV v Schott Zweisel Glaswerke AG (Case C-51/93) [1994] ECR I-3879 ... 410
- van Schaik (Criminal proceedings against) (Case C-55/93) [1994] ECR I-4837 ... 348
- Commission v Germany (Case C-131/93) [1994] ECR I-3303 ... 373
- Chiquita Banana Co and Others v Council (Case C-276/93) [1993] ECR I-3345 ... 265
- Germany v Commission (Case C-280/93) [1993] ECR I-3667, [1994] ECR I-4973 ... 258, 259
- BPB Industries and British Gypsum Ltd v Commission (Case C-310/93P) [1995] ECR I-865 ... 566
- Vaneetveld v SA Le Foyer (Case C-316/93) [1994] ECR I-763 ... 148, 170
- Centre d'insemination de la Crespelle (Case C-323/93) [1994] ECR I-5077 ... 569
- Bordessa and Others (Cases C-358/93 and C-416/93) [1995] ECR I-361 ... 468

- Roders (F. G.) BV e.a. v Inspecteur der Invoerrechten en Accijnzen (Cases C-367/93–C-377/93) [1995] ECR I-2229 ... 336
- Commission v France (Case C-381/93) [1994] ECR I-5145 ... 466
- Alpine Investments BV v Minister van Financiën (Case C-384/93) [1995] ECR I-1141 ... 409, 457–9, 460, 476**
- R v H.M. Treasury, ex parte British Telecommunications (Case C-392/93) [1996] ECR I-1631 ... 184**
- Oude Lutikhuis and Others (Case C-399/93) ... 514
- Leclerc-Siplec (Case C-412/93) [1995] ECR I-179 ... 195
- Société d'Importation Edouard Leclerc-Siplec v TF1 Publicité SA and M6 Publicité SA (Case C-412/93) [1995] ECR I-179 ... 401–3, 404**
- Bosman (Case C-415/93) [1995] ECR I-4921 ... 83, 526, 590
- URBSFA v Bosman (Case C-415/93) [1995] ECR I-4921, [1996] All ER (EC) 97 ... 449
- Germany v Council (Case C-426/93) [1995] ECR I-3723 ... 75
- Saddik (Case C-458/93) [1995] ECR I-511 ... 197
- Atlanta Fruchthandelsgesellschaft mbH and others v Bundesamt für Ernährung und Forstwirtschaft (Case C-465/93) [1995] ECR I-3761 ... 256–8, 259, 262**
- Atlanta Fruchthandelsgesellschaft mbH and others v Bundesamt für Ernährung und Forstwirtschaft (Case C-466/93) [1995] ECR I-3799 ... 258–9
- Verein gegen Unwesen in Handel und Gewerbe Köln v Mars GmbH (Case C-470/93) [1995] ECR I-1923 ... 407–8, 411**
- R v Ministry of Agriculture, Fisheries and Food, ex parte Hedley Lomas (Ireland) Ltd (Case C-5/94) [1996] ECR I-2553 ... 185, 242, 244
- P v S and Cornwall County Council (Case C-13/94) [1996] ECR I-2143 ... 93, 94
- Gebhard (Reinhard) v Consiglio dell'Ordine degli Avvocati e Procuratori di Milano (Case C-55/94) [1995] ECR I-4165, [1996] I CMLR ... 603 ... 321, 322, 385, 450, 456, 462, 472**
- UK v Council (Case C-84/94) [1996] ECR I-5755 ... 54–8, 60, 75, 76, 661, 666**
- CIA Security International SA v Signalson SA and Securitel SPRL (Case C-94/94) [1996] ECR I-2201 ... 153–5, 156, 157, 158, 315**
- Job Centre Coop. arl (Case C-111/94) [1995] ECR I-3361 ... 202
- Höing (Hans) v Stadt Stockach (Case C-128/94) [1995] ECR I-3389 ... 634–5**
- DIP SpA v Comune di Bassano del Grappa, (Case C-140/94) [1995] ECR I-3257 ... 530–1**
- LIDL Italia Srl v Comune di Chioggia (Case C-141/94) [1995] ECR I-3257 ... 530–1**
- Lingral Srl v Comune di Chioggia (Case C-142/94) [1995] ECR I-3257 ... 530–1**
- Sanz de Lera (Cases C-163/94, C-165/94 and C-250/94) [1995] ECR I-4821 ... 468
- Dillenkofer and Others v Germany (Joined Cases C-178 et al/94) [1996] ECR I-4845 ... 185, 242, 244
- El Corte Inglés v Cristina Blasquez Rivero (Case C-192/94) [1996] ECR I-1281 ... 149
- Primecrown Ltd v The Medicines Control Agency (Case C-201/94) ... 152, 153
- R v The Medicines Control Agency, ex parte Smith & Nephew Pharmaceuticals Ltd (Case C-201/94) ... 152, 153
- Brennet v Paletta (Paletta II) (Case C-206/94) [1996] ECR I-2357 ... 461
- Germany v Parliament and Council (Case C-223/94) [1997] ECR I-2304 ... 661
- Germany v Parliament and Council (Case 233/94) [1997] ECR I-2405 ... 62, 76, 595
- Parliament v Council (Case C-271/94) [1996] ECR I-1689 ... 51
- Tetra Pak v Commission (Case C-333/94 P) [1996] ECR I-5951 ... 566
- Reiseburo Broede v Gerd Sanker (Case C-3/95) [1996] ECR I-6511 ... 457, 523, 524
- Deere v Commission (Case C-7/95) [1998] ECR I-3111 ... 243
- Konsumentombudsmannen v De Agostini Forlag AB and TV-Shop i Sverige AB (Cases C-34–36/95) [1997] ECR I-3843 ... 404–5, 458**
- Commission v France (Case C-52/95) [1995] ECR I-4443 ... 356
- France v Commission (Case C-57/95) [1997] ECR I-1627 ... 218, 364
- Shingara and Radiom (Cases C-65 and C-111/95) [1997] ECR I-3343 ... 442
- R v Secretary of State for Social Security, ex parte Sutton (Case C-66/95) [1997] ECR I-2163 ... 185
- Sodermare and Others (Case C-70/95) [1997] ECR I-3395 ... 465
- Norbrook Laboratories (Case C-127/95) [1998] ECR I-1531 ... 244
- Arcaro (Luciano) (Case C-168/95) [1996] ECR I-4705 ... 163, 164
- Fantask (Case C-188/95) [1997] ECR I-6783 ... 171
- Comateb and Others (Cases C-192–218/95) [1997] ECR I-165 ... 136
- GT-Link v DSB (Case C-242/95) [1997] ECR I-4449 ... 568
- SAM Schifffahrt (Cases C-248–249/95) [1997] ECR I-4475 ... 86
- Palmisani (Case C-261/95) [1997] ECR I-4025 ... 605
- Commission v France (Case C-265/95) [1997] ECR I-6959 ... 355–7, 373**

- Guérin Automobiles v Commission (Case C-282/95P) [1997] ECR I-1503 ... 605
- Commission v UK (Case C-300/95) [1997] ECR I-2649 ... 642-4
- Stichting Greenpeace Council (Greenpeace International) and others v Commission (Case C-321/95 P)** [1998] ECR I-1651 ... 266-7, 268, 271
- Parfums Christian Dior SA and Parfums Christian Dior BV v Evora BV (Case C-337/95) [1997] ECR I-6013 ... 203, 206
- Wiener (Case C-338/95) [1997] ECR I-6495 ... 198
- Vereinigte Familienpress Zeitungsverlags- und vertriebs GmbH v Heinrich Bauer Verlag (Case C-368/95)** [1997] ECR I-3689 ... 411-12, 477
- Belgium v Spain (Case C-388/95) [2000] ECR I-3123 ... 111
- Eurotunnel SA and others v SeaFrance (Case C-408/95) [1997] ECR I-6315 ... 253
- Parliament v Council (Case C-22/96) [1998] ECR I-3231 ... 51
- Deliège (Cases C-51/96 and C-191/97) [2000] ECR I-2549 ... 466
- Job Centre Coop. arl (Case C-55/96) [1997] ECR I-7119 ... 202
- Land Nordrhein-Westfalen v Uecker, Jacquet (Cases C-64/96 and C-65/96) [1997] ECR I-3171 ... 488
- Albany International v Stichting Bedrijfspensioenfonds Textielindustrie (Case C-67/96)** [1999] ECR I-5751 ... 197, 525-6
- Martinez Sala (Maria) v Freistaat Bayern (Case C-85/96) [1998] ECR I-2691 ... 431, 488, 489
- Verband Deutscher Daihatsu Händler eV v Daihatsu Deutschland GmbH (Case C-97/96) [1997] ECR I-6843 ... 149
- Mac Quen and Others (Case C-108/96) [2001] ECR I-837 ... 524
- Dorsch Consult (Case C-54/96) [1997] ECR I-4961 ... 202
- Inter-Environment Wallonie ASBL v Région Wallone (Case C-129/96) [1997] ECR I-7411 ... 143
- Portugal v Council (Case C-149/96) [1999] ECR I-8395 ... 259
- National Farmers Union and Others (Case C-157/96) [1998] ECR I-2211 ... 76
- Kohl (Case C-158/96) [1998] ECR I-1931 ... 465, 466
- Commission v Council (Case 170/96)** [1998] ECR I-2763 ... 53-4, 215
- Jyri Lehtonen, Castors Canada Dry Namur-Braine ASBL v Fédération Royale Belge des Sociétés de Basket-ball ASBL (FRBSB) (Case C-176/96)** [2000] ECR I-2681 ... 197
- Commission v France (Foie Gras) (Case C-184/96) [1998] ECR I-6197 ... 421
- Metronome Musik (Case C-200/96) [1998] ECR I-1953 ... 595
- Aprile (Case C-228/96) [1998] ECR I-7141 ... 135
- Grant v South-West Trains Ltd (Case C-249/96)** [1998] ECR I-621 ... 80, 93-5, 96
- Bickel and Franz (C-274/96) [1998] ECR I-7637 ... 489
- Didier Tabouillet (Case C-284/96) [1997] ECR I-7471 ... 332
- Javico et al v Yves St Laurent Parfums (Case C-306/96) [1998] ECR I-1983 ... 522
- Levez (Case C-326/96) [1998] ECR I-7835 ... 133, 134
- Dilexport (Case C-343/96) ... 135, 136
- Calfa (Donatella) (Case C-348/96)** [1999] ECR I-11 ... 442-3, 446, 448
- Kefalas and Others v Greece (Case C-367/96) [1998] ECR I-2843 ... 461
- Goerres (Hermann Josef) (Case C-385/96) [1998] ECR I-4431 ... 410
- Bronner (Oscar) GmbH & Co. KG v Mediaprint (Case C-7/97)** [1998] ECR I-7791 ... 568-70
- Colim v Biggs (Case C-33/97) [1999] ECR I-3175 ... 410
- Autotrasporti Librandi Snc di Librandi F & C (Case C-38/97) [1998] ECR I-5955 ... 532
- Parliament v Council (Case C- 42/97)** [1999] ECR I-869 ... 50-1, 52, 53
- Büchel & Co Fahrzeugteilefabrik GmbH v Council and Commission (Cases T-74 and T-75/97) Judgment 26 September 2000** ... 231
- Atlanta AG and others v Council and Commission (Case C-104/97P) [1999] ECR I-6983 ... 259
- Brentjens' Handelsonderneming v Stichting Bedrijfspensioenfonds voor de Handel in Bouwmaterialen (Cases C-115-117/97) [1999] ECR I-6025 ... 197
- Läärä (Markku Juhani), Cotswold Microsystems Ltd, Oy Transatlantic Systems (Case C-124/97) [1999] ECR I-6067 ... 457
- Eco Swiss China Time Ltd v Benetton International NV (Case C-126/97)** [1999] ECR I-3055 ... 495, 604
- Victoria Films A/S (Case C-134/97) [1998] ECR I-7023 ... 202
- Centros Ltd v Erhervs- og Selskabsstyrelsen (Case C-212/97)** [1999] ECR I-1459 ... 460-3
- Commission v Germany (Case C-217/97) [1999] ECR I-5087 ... 164
- Lemmens (Johannes Martinus) (Case C-226/97)** [1998] ECR I-3711 ... 155-6, 158
- Commission v Council (Case 1997/269) [2000] ECR I-2257 ... 635
- Konle (Klaus) v Austria (Case C-302/97) [1999] ECR I-3099 ... 185