

CO-OPERATION
BETWEEN NATIONAL
COMPETITION AGENCIES
IN THE ENFORCEMENT
OF EC COMPETITION
LAW

Silke Brammer



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Co-operation between National Competition Agencies in the Enforcement of EC Competition Law

SILKE BRAMMER



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CO-OPERATION BETWEEN NATIONAL COMPETITION AGENCIES IN THE ENFORCEMENT OF EC COMPETITION LAW

In May 2004, the enforcement of the EC competition rules changed radically. Under Regulation 1/2003, the national competition authorities (NCAs) of all 27 Member States are called upon to actively participate, together with the European Commission, in the enforcement of Articles 81 and 82 EC. In order to ensure the efficient and consistent application of the law, Regulation 1/2003 provides for a number of co-operation mechanisms at the heart of which lies the European Competition Network (ECN). The ECN acts as a common forum for information exchange, coordination and discussion. This book provides an in-depth analysis of the rules governing co-operation within the ECN. It is a valuable source for all working in the field of EC competition law: practitioners, company lawyers, competition authority officials and academics.

The author focuses on horizontal co-operation between the NCAs of different Member States. She starts by looking at the arrangements for case allocation, discusses the rules on information exchange and also deals with the consultation procedure prior to the adoption of final NCA decisions. The existing rules are assessed not only in the light of their purpose, ensuring efficiency and consistency in the application of the law, but also reviewed against the requirements of the EU Charter and the European Convention on Human Rights. Particular attention is devoted to issues arising in the event of parallel procedures by several NCAs. This includes the applicability of the *ne bis in idem* principle and the question of which duties of the NCAs result from the loyalty obligation enshrined in Article 10 EC. Finally, the author explores whether the ECN concept of co-operation and networking could be applied more broadly in the context of European integration.

**For Gerd A Brammer
(1930–1973)**

Acknowledgements

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This work would not have been possible without the constant encouragement, patience and support of my husband, Hans M Gilliams.

I have aimed to state the law as it stood on 1 February 2009.

Table of Cases

Belgium

Hof van Cassatie, judgment of 12 October 1993, AC 1993, 829 285–86

European Commission Decisions

<i>Boeing/McDonell Douglas</i> (Case IV/M877; decision of 31 July 1997)	158
<i>Cannes Extension Agreement</i> (Case COMP/38.681; decision of 4 October 2006)	37
<i>Coca-Cola</i> (Case COMP/39.116; decision of 22 June 2005)	37
<i>DaimlerChrysler</i> (Case COMP/39.140; decision of 14 September 2007)	37
<i>De Beers</i> (Case COMP/38.381; decision of 22 February 2006)	37
<i>Distrigaz</i> (Case COMP/37.966; decisions of 11 October 2007)	37
<i>Dutch Banks</i> case [1989] OJ L253/1	59
<i>Fiat</i> (COMP/39.141; decision of 14 September 2007)	37
<i>Football World Cup</i> (Case IV/36.888) [2000] OJ L5/55	20
<i>Ford Agricultural</i> (Case IV/31.400) [1993] OJ L20/1	11
<i>General Motors (Opel)</i> (Case COMP/39.143; decision of 14 September 2007)	37
<i>German Football League (Bundesliga)</i> (Case COMP/37.214; decision of 19 January 2005)	37
<i>Graphite Electrodes</i> [2002] OJ L100/1	378–79, 382
<i>Lysine</i> [2001] OJ L152/24	378–79, 382
<i>Premier League</i> (Case COMP/38.173; decision of 22 March 2006)	37
<i>Repsol</i> (Case COMP/38.348; decision of 12 April 2006)	37
<i>Toyota</i> (Case COMP/39.142; decision of 14 September 2007)	37
<i>Vitamins</i> case [2003] OJ L6/1	362, 364, 378–80, 382

European Court of Human Rights

<i>Albert and Le Compte</i> Series A no 58	339, 341
<i>Autronic AG v Switzerland</i> Series A no 178	301
<i>Bendenoun v France</i> Series A no 284	347
<i>Borgers v Belgium</i> Series A no 214	132, 337
<i>Bosphorus Hava Yollari Turizm v Ireland</i> , Application no 45036/98, judgment of 30 June 2005	201–3, 397
<i>Brandstetter v Austria</i> Series A no 211	336, 340
<i>Campbell v UK</i> Series A no 233	312
<i>Cantoni v France</i> Reports/Recueil 1996-V 1614	204

xx Table of Cases

<i>CR v UK</i> Series A no 335-C.	210
<i>De Cubber v Belgium</i> Series A no 86	132, 339
<i>Deweert v Belgium</i> Series A No 35	240, 254–55, 335
<i>Eckle v Germany</i> Series A no 51	255
<i>Engel and Others</i> Series A no 22	346–47
<i>Ernst and others v Belgium</i> , Application no 33400/96, judgment of 15 July 2003	303
<i>Fischer (Franz) v Austria</i> , Application no 37950/97, judgment of 29 May 2001	356–57, 374–75, 377, 379, 383, 386
<i>Frau v Italy</i> Series A no 195	255
<i>Funke v France</i> Series A no 256	240, 249, 252–54, 256, 310
<i>Goodwin (Christine) v UK</i> Reports/Recueil 2002 588	367, 396
<i>Gradinger v Austria</i> Series A no 328-C.	346, 356–57, 386
<i>Incal v Turkey</i> Reports/Recueil 1998-IV 1547	132
<i>Janosevic v Sweden</i> Reports/Recueil 2002-VII	351
<i>JJ v The Netherlands</i> Reports/Recueil 1998-II 603	337–38
<i>Kokkinakis v Greece</i> Series A no 260-A	212
<i>Kress v France</i> Reports/Recueil 2001-IV 1	337–38, 480
<i>Le Compte, Van Leuven and De Meyere v Belgium</i> Series A no 43	339
<i>Lilly France v France</i> , Application no 53892/00, judgment of 14 October 2003 301, 384	
<i>Lobo Machado v Portugal</i> Reports/Recueil 1996-I 195.	336, 338, 341
<i>Lutz</i> Series A no 123	252
<i>M&Co v Germany</i> , Application no 13258/87, (1990) 64 DR 138	200, 202, 350–51, 384
<i>Matthews v UK</i> Reports/Recueil 1991-I 251.	199–200, 391–94, 396, 399, 482
<i>Mendizabal v France</i> , Application no 51431/99	395–96
<i>Neumeister v Austria</i> Series A No 8	240, 346
<i>Niederöst-Huber v Switzerland</i> Reports/Recueil 1997-I 101.	341
<i>Niemitz v Germany</i> Series A no 251-B.	303, 310, 312
<i>Nikula v Finland</i> Reports/Recueil 2002-II 45.	312
<i>Oliveira v Switzerland</i> Reports/Recueil 1998-V 1990.	356–57, 386
<i>OOO Neste St Petersburg and others v Russia</i> , Application no 69042/01, Decision of 3 June 2004.	351–53
<i>Öztürk v Germany</i> Series A no 73	240, 252, 339, 346, 350–51
<i>Pafitis and others v Greece</i> Reports/Recueil 1998-I 436	393–94, 396
<i>Piermont v France</i> Series A no 314	394, 396
<i>Reinhardt and Slimane-Kaïd v France</i> Reports/Recueil 1998-II 640	337–38
<i>S v Switzerland</i> Series A no 220.	311–12
<i>Saunders v UK</i> Reports/Recueil 1996-IV 2044	240, 249, 252–56
<i>Société Colas and others v France</i> Reports/Recueil 2002-III 105.	300, 303, 305, 310, 384
<i>Société Stenuit v France</i> Series A no 232-A.	301, 350–51, 384
<i>Sunday Times v UK</i> Series A no 30	300, 309, 384
<i>Vermeulen v Belgium</i> Reports/Recueil 1996-I 224	337–38, 342

<i>Waite and Kennedy v Germany</i> Reports/Recueil 1999-I 393	200–1, 394
<i>Zigarella v Italy</i> Reports/Recueil 2002-IX 291	345, 410

European Court of Justice and Court of First Instance

Alphabetical

<i>Aalborg Portland and others v Commission (Cement case)</i> (Joined Cases C-204/00, 205, 211, 213, 217 and 219/00P) [2004] ECR I-123	381–82, 388, 401, 446
<i>Adams v Commission</i> (Case 145/83) [1985] ECR 3539	172–74, 262
<i>Ahlström Osakeyhtiö and others v Commission (Woodpulp I)</i> (Joined Cases 89, 104, 114, 116, 117 and 125–129/85) [1988] ECR 5193	152, 158, 452
<i>Ahlström and others v Commission (Woodpulp II)</i> (Joined Cases C-89, 104, 114, 116, 117 and 125–129/85) [1993] ECR I-1307	348
<i>Ahmed Saeed Flugreisen and others v Zentrale zur Bekämpfung unlauteren Wettbewerbs</i> (Case 66/86) [1989] ECR 803	62, 424
<i>Akzo v Commission (Akzo I)</i> (Case 53/85) [1986] ECR 1965	174, 226, 266, 268, 277, 473
<i>Akzo Nobel and Akcros Chemicals v Commission</i> (Case C-550/07 P), pending.	295
<i>Akzo Nobel and Akcros Chemicals v Commission</i> (Joined Cases T-125/03R and T-253/03R) [2003] ECR II-4771	291–92
<i>Akzo Nobel and Akcros Chemicals v Commission</i> (Joined Cases T-125/03 and T-253/03) [2007] ECR II-3523	295–96, 510
<i>Alrosa</i> (Case T-170/06) [2007] ECR II-2601	37–38, 40
<i>AM&S Europe Ltd v Commission</i> (Case 155/79) [1982] ECR 1575	292–93, 295–97, 312, 510
<i>Amministrazione delle Finanze v Simmenthal</i> (Case 106/77) [1978] ECR 629	22, 423, 430, 442–43, 448–49
<i>Anklagemyndigheden v Hansen</i> (Case C-326/88) [1990] ECR I-2911	440, 443
<i>Archer Daniels v Commission (Lysine)</i> (Case T-224/00) [2003] ECR II-2597	153, 362–64, 377–79, 381–82, 387, 405
<i>Archer Daniels v Commission</i> (Case C-397/03P) [2006] ECR I-4429	375, 379–80, 387, 405
<i>Athanasopoulos v Bundesanstalt für Arbeit</i> (Case C-251/89) [1991] ECR I-2797	422, 430
<i>Automec v Commission (Automec I)</i> (Case T-64/89) [1990] ECR II-367	221
<i>Automec v Commission (Automec II)</i> (Case T-24/90) [1992] ECR II-2223	11, 31, 39, 49, 181–82
<i>Azienda Colori Nazionali v Commission (Dyestuffs)</i> (Case 57/69) [1972] ECR 933	224
<i>Bagnasco (Carlo) and others v Banca Popolare di Novara, Cassa di Risparmio di Genova (Italian Banks)</i> (Joined Cases C-215/96 and C-216/96) [1999] ECR I-135	9, 24–25, 150, 179
<i>Bank Austria Creditanstalt v Commission</i> (Case T-198/03) [2006] ECR II-1429	260–62, 265, 268
<i>Banks (HJ) v British Coal</i> (Case C-128/92) [1994] ECR I-1209	432–33, 518

<i>BAT and Reynolds v Commission</i> (Joined Cases 142 and 156/84) [1987] ECR 4487	268
<i>Baustahlgewebe v Commission</i> (Case C-185/95P) [1998] ECR I-8417	348
<i>Béguelin Import v SAGL Import Export</i> (Case 22/71) [1971] ECR 949	58
<i>BEMIM v Commission</i> (Case T-114/92) [1995] ECR II-147	155
<i>Bilger v Jehle</i> (Case 43/69) [1970] ECR 127	124
<i>Boehringer Mannheim v Commission</i> (Case 7/72) [1972] ECR 1281	356, 359, 361–64, 366, 379, 381, 387, 407
<i>BPB Industries & British Gypsum v Commission</i> (Case C-310/93P) [1995] ECR I-865	173–74
<i>Brasserie de Haecht</i> (Case 48/72) [1973] ECR 77	42, 124, 222–23
<i>Bronner (Oscar) v Mediaprint</i> (Case C-7/97) [1998] ECR I-7791	62
<i>BRT v SABAM</i> (Case 127/73) [1974] ECR 51	86, 94, 124–25, 132
<i>Bundeskartellamt v Volkswagen and VAG Leasing</i> (Case C-266/93) [1995] ECR I-3477	61
<i>Butter-buying cruises case. See Rewe v HZA Kiel</i> (Case 158/80)	
<i>Cableuropa</i> (Joined Cases T-346/02 and T-347/02) [2003] ECR II-4251	216, 218, 221
<i>Camera Care</i> (Case 792/79R) [1980] ECR 119	33
<i>Carlsen and others v Commission</i> (Case T-610/97R) [1998] ECR II-485	264
<i>Cartonboard case. See Mayr-Melnhof v Commission</i> (Case T-347/94), <i>Mo och Domsjö AB v Commission</i> (Case T-352/94) and <i>Sarrió v Commission</i> (Case T-334/94)	
<i>Cassis de Dijon case. See Rewe v Bundesmonopolverwaltung für Branntwein</i> (Case 120/78)	
<i>Cement case. See Aalborg Portland and others v Commission</i> (Joined Cases C-204/00P etc) and <i>Italcementi v Commission</i> (Opinion) (Case C-213/00P)	
<i>Comet</i> (Case 45/76) [1976] ECR 2043	99
<i>Commercial Solvents</i> (Joined Cases 6 and 7/73) [1974] ECR 223	33
<i>Commission v Akzo Nobel and Akros Chemicals</i> (Case C-7/04P(R)) [2004] ECR I-8739	291–92, 295
<i>Commission v BASF and others (PVC I)</i> (Case C-137/92P) [1994] ECR I-2555	213, 360
<i>Commission v Belgium</i> (Case C-290/89) [1991] ECR I-2851	425
<i>Commission v Council</i> (Case C-176/03) [2005] ECR I-7879	208, 349–50, 372, 515
<i>Commission v Council (Shipping pollution)</i> (Case C-440/05) [2007] ECR I-9097	349
<i>Commission v France</i> (Joined Cases 6/69 and 11/69) [1969] ECR 523	421
<i>Commission v France (Euratom Treaty)</i> (Case 7/71) [1971] ECR 1003	434
<i>Commission v France (Italian wine)</i> (Case 42/82) [1983] ECR 1013	172, 422, 430, 432
<i>Commission v France</i> (Case 30/89) [1990] ECR I-691	204
<i>Commission v Germany</i> (Case 94/87) [1989] ECR 175	434
<i>Commission v Greece</i> (Case 68/88) [1989] ECR 2965	440
<i>Commission v Italy</i> (Case C-69/90) [1991] ECR I-6011	97
<i>Commission v Netherlands</i> (Case 96/81) [1982] ECR 1791	422, 424

<i>Commission v SGL Carbon</i> (Case C-301/04P) [2006] ECR I-5915	254, 488
<i>Commission v Solvay</i> (Joined Cases C-287/95P and C-288/95P) [2000] ECR I-2391	196
<i>Commission v UK</i> (Case C246/89R) [1989] ECR 3125	449
<i>Consten and Grundig v Commission</i> (Joined Cases 56 and 58/64) [1966] ECR 299 (English special edition)	8–9, 380
<i>Corsica Ferries v Porto di Genova</i> (Case C-18/93) [1994] ECR I-1783	425
<i>Costa v ENEL</i> (Case 6/64) [1964] ECR 585 (English special edition)	61, 358, 420, 443
<i>Courage v Crehan</i> (Case C-453/99) [2001] ECR I-6297	510–11, 517–18, 525
<i>Dansk Rørindustri and others v Commission</i> (<i>Pre-insulated Pipes</i>) (Joined Cases C-189/02 P etc) [2005] ECR I-5425	153
<i>de Geus v Bosch and van Rijn</i> (Case 13/61) [1962] ECR 45	18, 30
<i>Defrenne</i> (Case 149/77) [1978] ECR 1365	18
<i>Degussa v Commission</i> (Case T-279/02) [2006] ECR II-897	211
<i>Delimitis</i> (Case C-234/89) [1991] ECR I-935	50, 54, 59, 86, 89, 422, 435
<i>Deutsche Milchkontor and others v Germany</i> (Joined Cases 205–215/82) [1983] ECR 2633	430, 439–40, 443
<i>Dirección General de Defensa de la Competencia v Asociación Española de Banca Privada and others</i> (<i>Spanish Banks</i>) (Case C-67/91) [1992] ECR I-4785	94, 125, 138–40, 144–45, 147–48, 166, 187, 233, 236, 238, 276, 288, 290, 317, 469
<i>Dorsch Consult v Bundesbaugesellschaft</i> (Case C-54/96) [1997] ECR I-4961	95–96
<i>Dow Benelux</i> (Case 85/87) [1989] ECR 3137	139, 143–44, 146, 237–38
<i>Dutch Banks case</i> . See <i>Nederlandse Bankiersvereniging and others v Commission</i> (Case T-138/89)	
<i>Dutch PTT case</i> . See <i>Netherlands v Commission</i> (Joined Cases C-48/90 and C-66/90)	
<i>Dyestuffs case</i> . See <i>Azienda Colori Nazionali v Commission</i> (Case 57/69)	
<i>EAEP v Commission</i> (Case T-153/06), application of 13 June 2006, now withdrawn	228
<i>Eco Swiss v Benetton</i> (Case C-126/97) [1999] ECR I-3055	354, 398, 512
<i>Emesa Sugar v Aruba</i> (Case C-17/98) [2000] ECR I-665	337–38
<i>EP v Council</i> (Case C-65/93) [1995] ECR I-643	422
<i>Euratom Treaty case</i> . See <i>Commission v France</i> (Case 7/71)	
<i>European Parliament v Council</i> (Case C-540/03) [2006] ECR I-5769	204, 367–69, 482
<i>Factortame case</i> . See <i>The Queen v Secretary of State for Transport, ex parte Factortame</i> (Case C-213/89)	
<i>Fediol v Commission</i> (Case 70/87) [1989] ECR 1781	369
<i>FEG and TU v Commission</i> (Case C-105/04P) [2006] ECR I-8725	167–68, 255–56, 370
<i>Fiammiferi v Autorità Garante</i> (Case C-198/01) [2003] ECR I-8055	423, 442
<i>FIFA case</i> . See <i>Piau v Commission</i> (Case T-193/02)	
<i>France v UK</i> (Case 141/78) [1979] ECR 2923	425, 431
<i>France Télécom v Commission</i> (<i>Wanadoo</i>) (Case T-339/04) [2007] ECR II-521	157, 214, 222, 224, 425

<i>Francovich and Bonifaci v Italy</i> (Joined Cases C-6 and C-9/90) [1991] ECR I-5357	419, 510, 514–15
<i>Fratelli Costanzo v Comune di Milano</i> (Case 103/88) [1989] ECR 1839	423–24, 448–49
<i>Fratelli Variola</i> (Case 34/73) [1973] ECR 981	140, 430, 442
<i>Gasparini (Francesco) and others</i> (Case C-467/04) [2006] ECR I-9199	366, 387, 389, 398, 400–3, 406
<i>GB-INNO v ATAB</i> (Case 13/77) [1977] ECR 2115	424, 442
<i>Gencor v Commission (Gencor/Lonrho)</i> (Case T-102/96) [1999] ECR II-753	158
<i>Germany v EP and Council (Tobacco I)</i> (Case C-376/98) [2000] ECR I-8419	513–14
<i>Germany v EP and Council (Tobacco II)</i> (Case C-380/03) [2006] ECR I-11573	514
<i>Gözütok and Brügge v Commission</i> (Joined Cases C-187/01 and C-385/01) [2003] ECR I-1345	355, 372, 376, 405–7, 413–14
<i>Graphite Electrodes cases</i> . See <i>Commission v SGL Carbon</i> (Case C-301/04P), <i>SGL Carbon v Commission</i> (Case C-308/04P), <i>Showa Denko v Commission</i> (Case C-289/04P) and <i>Tokai Carbon and others v Commission</i> (Joined Cases T-236, 239, 244–246, 251 and 252/01)	
<i>Guerin Automobiles v Commission</i> (Case C-282/95P) [1997] ECR I-1503	217
<i>Gutmann v Commission</i> (Joined Cases 18 and 35/65) [1967] ECR 61 (English special edition)	360
<i>GVL v Commission</i> (Case 7/82) [1983] ECR 483	32
<i>Hansen case</i> . See <i>Anklagemyndigheden v Hansen</i> (Case C-326/88)	
<i>Hilti v Commission</i> (Case T-30/89) [1990] ECR II-163	293
<i>Hoechst v Commission</i> (Case 46/87R) [1987] ECR 1549	283, 302, 310
<i>Hoechst v Commission</i> (Joined Cases 46/87 and 227/88) [1989] ECR 2859	99, 101–103, 146, 237, 251, 510
<i>Hoffmann-La Roche v Commission</i> (Case 85/76) [1979] ECR 461	510
<i>Hüls v Commission (Polypropylene)</i> (Case C-199/92P) [1999] ECR I-04287	350
<i>Hurd v Jones</i> (Case 44/84) [1986] ECR 29	421
<i>IBM v Commission</i> (Case 60/81) [1981] ECR 2639	221–24, 226–28, 472
<i>IFAW v Commission</i> (Case T-168/02) [2004] ECR II-4135	416
<i>Internationale Handelsgesellschaft v Einfuhr- und Vorratsstelle für Getreide</i> (Case 11/70) [1970] ECR 1125	250
<i>Italcementi v Commission</i> (Opinion) (Case C-213/00P) [2004] ECR I-123	356, 376–77, 386, 388, 390, 454
<i>Italgrani case</i> . See <i>Italy v Commission</i> (Case C-47/91)	
<i>Italian Banks case</i> . See <i>Bagnasco (Carlo) and others v Banca Popolare di Novara, Cassa di Risparmio di Genova</i> (Joined Cases C-215/96 and C-216/96)	
<i>Italgrani case</i> . See <i>Italy v Commission</i> (Case C-47/91)	
<i>Italian wine case</i> . See <i>Commission v France</i> (Case 42/82)	
<i>Italy v Commission</i> (Case 41/83) [1985] ECR 873	227
<i>Italy v Commission (Italgrani)</i> (Admissibility) (Case C-47/91) [1992] ECR I-4145	225, 227
<i>Italy v Commission (Tirrenia)</i> (Case C-400/99) [2001] ECR I-7303	225

<i>JFE Engineering and others v Commission</i> (Joined Cases T-67/00, T-68/00, T-71/00 and T-78/00) [2004] ECR II-2501	251–52, 350
<i>John Deere v Commission</i> (Case C-7/95) [1998] ECR I-3111	433
<i>JT's Corporation v Commission</i> (Case T-123/99) [2000] ECR II-3269	260, 265
<i>Kreis Borken v Moormann</i> (Case 190/87) [1988] ECR 4689	419, 424
<i>Leclerc (Edouard) and others v SARL 'Au blé vert' and others</i> (Case 229/83) [1985] ECR I	321, 424, 442
<i>Les Verts v European Parliament</i> (Case 294/83) [1986] ECR 1339	401
<i>Levy (Jean-Claude)</i> (Case C-158/91) [1993] ECR I-4287	198–99
<i>Limburgse Vinyl Maatschappij and others v Commission (PVC II)</i> (Joined Cases T-305-307, 313–316, 318, 325, 328, 329 and 335/94) [1999] ECR II-931	253–54, 360
<i>Limburgse Vinyl Maatschappij and others v Commission (PVC II)</i> (Joined Cases C-238, 244, 245, 247, 250–52 and 254/99P) [2002] ECR I-8375	196, 253–54, 350, 360–61, 374, 400–1, 403, 410, 481, 483
<i>Luxemburg v European Parliament</i> (Case 230/81) [1983] ECR 255	172, 421–22
<i>Lysine case</i> . See <i>Archer Daniels v Commission</i> (Case T-224/00)	
<i>Magill</i> (Joined Cases C-241/91P and C-242/91P) [1995] ECR I-743	33
<i>Manfredi v Loyd and others</i> (Joined Cases C-295–298/04) [2006] ECR I-6619	388, 511
<i>Mannesmannröhren-Werke v Commission</i> (Case T-112/98) [2001] ECR II-729	241, 250–51, 298–99
<i>Masterfoods</i> (Case C-344/98) [2000] ECR I-11369	48, 86, 153, 222, 433
<i>Matra Hachette v Commission</i> (Case T-17/93) [1994] ECR II-595	268
<i>Mayr-Melnhof v Commission</i> (Case T-347/94) [1998] ECR II-1751	348
<i>Minoan Lines</i> (Case T-66/99) [2003] ECR II-5515	50
<i>Miraglia</i> (Case C-496/03) [2005] ECR I-2009	398, 410
<i>Mo och Domsjö AB v Commission</i> (Case T-352/94) [1998] ECR II-1989	348
<i>Moulinex case</i> . See <i>Royal Philips Electronics v Commission</i> (Case T-119/02)	
<i>National Panasonic v Commission</i> (Case 136/79) [1980] ECR 2033	313
<i>Nederlandse Bankiersvereniging and others v Commission (Dutch Banks)</i> (Case T-138/89) [1992] ECR II-2181	59, 66, 432–33
<i>Netherlands v Commission (Dutch PTT)</i> (Joined Cases C-48/90 and C-66/90) [1992] ECR I-565	425
<i>Nold v Commission</i> (Case 4/73) [1974] ECR 491	250–51
<i>Opinion 1/91 regarding a draft agreement for the creation of the European Economic Area (EEA)</i> [1991] ECR I-6079	392
<i>Orkem v Commission</i> (Case 374/87) [1989] ECR 3283. 249–51, 253–54, 298, 300, 350, 510	
<i>Oscar Bronner case</i> . See <i>Bronner v Mediaprint</i> (Case C-7/97)	
<i>Perfumes cases</i> . See <i>Procureur de la République v Giry and Guerlain</i> (Joined Cases 253/78 and 1–3/79)	
<i>Peter v HZA Regensburg</i> (Case C-290/91) [1993] ECR I-2981	443
<i>Petrie v Commission</i> (Case T-191/99) [2001] ECR II-3677	273
<i>Philip Morris and others v Commission</i> (Joined Cases T-377/00, T-379/00, T-380/00, T-260/01 and T-272/01) [2003] ECR II-1	364

<i>Piau v Commission (FIFA)</i> (Case T-193/02) [2005] ECR II-209	225
<i>Pioneer case</i> . See <i>SA Musique Diffusion Française and others v Commission</i> (Joined Cases 100–103/80)	
<i>Polypropylene cases</i> . See <i>Hüls v Commission</i> (Case C-199/92P) and <i>Rhône-Poulenc v Commission</i> (Case T-1/89)	
<i>Portugal v Commission</i> (Case C-42/01) [2004] ECR I-6079	67
<i>Postbank v Commission</i> (Case T-353/94) [1996] ECR II-921 172, 260–61, 415, 418	
<i>Pre-insulated Pipes case</i> . See <i>Dansk Rørindustri and others v Commission</i> (Joined Cases C-189/02 P etc)	
<i>Procureur de la République v Giry and Guerlain (Perfumes cases)</i> (Joined Cases 253/78 and 1–3/79) [1980] ECR 2327	62–63
<i>Pupino (Maria)</i> (Case C-105/03) [2005] ECR I-5285	403
<i>PVC I case</i> . See <i>Commission v BASF and others</i> (Case C-137/92P)	
<i>PVC II case</i> . See <i>Limburgse Vinyl Maatschappij and others v Commission</i> (Joined Cases T-305–307, 313–316, 318, 325, 328, 329 and 335/94) and (Joined Cases C-238, 244, 245, 247, 250–252 and 254/99P)	
<i>Radio Telefís Éireann (RTE) v Commission</i> . See <i>Magill</i> (Joined Cases C-241/91 P and C-242/91 P)	
<i>Remia v Commission</i> (Case 42/84) [1985] ECR 2545	433
<i>Rewe v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)</i> (Case 120/78) [1979] ECR 649	428
<i>Rewe v HZA Kiel (Butter-buying cruises)</i> (Case 158/80) [1981] ECR 1805	450
<i>Rhône-Poulenc v Commission (Polypropylene)</i> (Case T-1/89) [1991] ECR II-867	208, 348
<i>Roquette Frères</i> (Case C-94/00) [2002] ECR I-9011	102–103, 204, 251, 310
<i>Royal Philips Electronics v Commission (Moulinex)</i> (Case T-119/02) [2003] ECR II-1433	216, 218
<i>SA Musique Diffusion Française and others v Commission (Pioneer)</i> (Joined Cases 100–103/80) [1983] ECR 1825	104, 348
<i>Sarrió v Commission (Cartonboard)</i> (Case T-334/94) [1998] ECR II-1439	208
<i>SEP v Commission</i> (Case T-39/90) [1991] ECR II-1497	266, 276, 282, 473
<i>SEP v Commission</i> (Case C-36/92 P) [1994] ECR I-1911	276–77, 288, 473
<i>SGL Carbon v Commission (Graphite Electrodes)</i> (Case C-308/04P) [2006] ECR I-5977	374–75, 379, 403, 481, 483
<i>Shipping pollution case</i> . See <i>Commission v Council</i> (Case C-440/05)	
<i>Showa Denko v Commission</i> (Case C-289/04P) [2006] ECR I-5859	381
<i>Simmenthal case</i> . See <i>Amministrazione delle Finanze v Simmenthal</i> (Case 106/77)	
<i>Société Technique Minière v Maschinenbau Ulm</i> (Case 54/65) [1966] ECR 235 (English special edition)	9, 58
<i>Solvay v Commission</i> (Case T-30/91) [1995] ECR II-1775	275, 336
<i>Spain v Commission</i> (Case C-312/90) [1992] ECR I-4117	225
<i>Spanish Banks case</i> . See <i>Dirección General de Defensa de la Competencia v Asociación Española de Banca Privada and others</i> (Case C-67/91)	
<i>Sucrimex</i> (Case 113/79) [1980] ECR 1299	220
<i>Syfait and others v GlaxoSmithKline</i> (Case C-53/03) [2005] ECR I-4609	94–97, 125, 339

<i>Tetra Pak v Commission</i> (Case T-51/89) [1990] ECR II-309.	88
<i>The Queen v Secretary of State for Transport, ex parte Factortame</i> (Case C-213/89) [1990] ECR I-2433.	423, 430, 448–49, 509, 514
<i>Tirrenia</i> case. See <i>Italy v Commission</i> (Case C-400/99)	
<i>Tobacco I</i> case. See <i>Germany v EP and Council</i> (Case C-376/98)	
<i>Tobacco II</i> case. See <i>Germany v EP and Council</i> (Case C-380/03)	
<i>Tokai Carbon and others v Commission</i> (Graphite Electrodes) (Joined Cases T-236, 239, 244–246, 251 and 252/01) [2004] ECR II-1181	362–65, 374, 378–79, 382, 387, 404
<i>Turco v Council</i> (Case T-84/03) [2004] ECR II-4061.	265
<i>UK v Council</i> (Case 131/86) [1988] ECR 905	227
<i>van Binsbergen v Bestuur van de Bedrijfsvereniging voor Metaalnijverheid</i> (Case 33/74) [1974] ECR 1299	321
<i>von Colson and Kamann</i> (Case 14/83) [1984] ECR 1891.	441–42
<i>Van Esbroeck</i> (Case C-436/04) [2006] ECR I-2333	357, 376, 379, 386, 398, 401
<i>van Gend & Loos</i> (Case 26/62) [1963] ECR 1 (English special edition)	18, 392, 400, 454
<i>van Straaten v Netherlands</i> (Case C-150/05) [2006] ECR I-9327.	208, 372, 407
<i>Verein für Konsumenteninformation v Commission</i> (Case T-2/03) [2005] ECR II-1121.	265
<i>Vlaams Gewest v Commission</i> (Case T-214/95) [1998] ECR II-717	153
<i>Völk v Vervaecke</i> (Case 5/69) [1969] ECR 295.	11, 58, 74
<i>Volkswagen v Commission</i> (Case T-62/98) [2000] ECR II-2707.	196
<i>Wachauf v Bundesamt für Ernährung und Forstwirtschaft</i> (Case 5/88) [1989] ECR 2609.	203, 266, 277, 297, 369
<i>Wanadoo</i> case. See <i>France Télécom v Commission</i> (Case T-339/04)	
<i>Wilhelm (Walt) v Bundeskartellamt</i> (Case 14/68) [1969] ECR 1.	61–63, 69–70, 211, 358–60, 362, 374–79, 388–89, 404, 407, 430, 443
<i>Zwartveld and others</i> (Case C-2/88 Imm) [1990] ECR I-3365	89, 422

Chronological

13/61 <i>de Geus v Bosch and van Rijn</i> [1962] ECR 45	18, 30
26/62 <i>van Gend & Loos</i> [1963] ECR 1 (English special edition)	18, 392, 400, 454
6/64 <i>Costa v ENEL</i> [1964] ECR 585 (English special edition)	61, 358, 420, 443
56 and 58/64 <i>Consten and Grundig v Commission</i> [1966] ECR 299 (English special edition)	8–9, 380
18 and 35/65 <i>Gutmann v Commission</i> [1967] ECR 61 (English special edition)	360
54/65 <i>Société Technique Minière v Maschinenbau Ulm</i> [1966] ECR 235	9, 58
14/68 <i>Walt Wilhelm v Bundeskartellamt</i> [1969] ECR 1	61–63, 69–70, 211, 358–60, 362, 374–79, 388–89, 404, 407, 430, 443
5/69 <i>Völk v Vervaecke</i> [1969] ECR 295	11, 58, 74
6/69 and 11/69 <i>Commission v France</i> [1969] ECR 523	421
43/69 <i>Bilger v Jehle</i> [1970] ECR 127.	124
57/69 <i>Azienda Colori Nazionali v Commission</i> (Dyestuffs) [1972] ECR 933	224

11/70 <i>Internationale Handelsgesellschaft v Einfuhr- und Vorratsstelle für Getreide</i> [1970] ECR 1125.....	250
7/71 <i>Commission v France (Euratom Treaty)</i> [1971] ECR 1003.....	434
22/71 <i>Béguelin Import v SAGL Import Export</i> [1971] ECR 949	58
7/72 <i>Boehringer Mannheim v Commission</i> [1972] ECR 1281.....	356, 359, 361–64, 366, 379, 381, 387, 407
48/72 <i>Brasserie de Haecht</i> [1973] ECR 77	42, 124, 222–23
4/73 <i>Nold v Commission</i> [1974] ECR 491.....	250–51
6 and 7/73 <i>Commercial Solvents</i> [1974] ECR 223.....	33
34/73 <i>Fratelli Variola</i> [1973] ECR 981	140, 430, 442
127/73 <i>BRT v SABAM</i> [1974] ECR 51	86, 94, 124–25, 132
33/74 <i>van Binsbergen v Bestuur van de Bedrijfvereniging voor Metaalnijverheid</i> [1974] ECR 1299.....	321
45/76 <i>Comet</i> [1976] ECR 2043	99
85/76 <i>Hoffmann-La Roche v Commission</i> [1979] ECR 461.....	510
13/77 <i>GB-INNO v ATAB</i> [1977] ECR 2115	424, 442
106/77 <i>Amministrazione delle Finanze v Simmenthal</i> [1978] ECR 629	22, 423, 430, 442–43, 448–49
149/77 <i>Defrenne</i> [1978] ECR 1365.....	18
120/78 <i>Rewe v Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)</i> [1979] ECR 649	428
141/78 <i>France v UK</i> [1979] ECR 2923	425, 431
253/78 and 1–3/79 <i>Procureur de la République v Giry and Guerlain (Perfumes cases)</i> [1980] ECR 2327.....	62–63
113/79 <i>Sucrimex</i> [1980] ECR 1299.....	220
136/79 <i>National Panasonic v Commission</i> [1980] ECR 2033.....	313
155/79 <i>AM&S Europe Ltd v Commission</i> [1982] ECR 1575	292–93, 295–97, 312, 510
792/79R <i>Camera Care</i> [1980] ECR 119	33
100–103/80 <i>SA Musique Diffusion Française and others v Commission (Pioneer)</i> [1983] ECR 1825.....	104, 348
158/80 <i>Rewe v HZA Kiel (Butter-buying cruises)</i> [1981] ECR 1805	450
60/81 <i>IBM v Commission</i> [1981] ECR 2639	221–24, 226–28, 472
96/81 <i>Commission v Netherlands</i> [1982] ECR 1791	422, 424
230/81 <i>Luxembourg v European Parliament</i> [1983] ECR 255	172, 421–22
7/82 <i>GVL</i> [1983] ECR 483	32
42/82 <i>Commission v France (Italian wine)</i> [1983] ECR 1013... ..	172, 422, 430, 432
205–215/82 <i>Deutsche Milchkontor and others v Germany</i> [1983] ECR 2633	430, 439–40, 443
14/83 <i>von Colson and Kamann</i> [1984] ECR 1891.....	441–42
41/83 <i>Italy v Commission</i> [1985] ECR 873.....	227
145/83 <i>Adams v Commission</i> [1985] ECR 3539	172–74, 262
229/83 <i>Edouard Leclerc and others v SARL 'Au blé vert' and others</i> [1985] ECR 1	321, 424, 442
294/83 <i>Les Verts v European Parliament</i> [1986] ECR 1339	401
42/84 <i>Remia v Commission</i> [1985] ECR 2545	433

44/84 <i>Hurd v Jones</i> [1986] ECR 29	421
142 and 156/84 <i>BAT and Reynolds v Commission</i> [1987] ECR 4487	268
53/85 <i>Akzo v Commission (Akzo I)</i> [1986] ECR 1965	174, 226, 266, 268, 277, 473
89, 104, 114, 116, 117 and 125–129/85 <i>Ahlström Osakeyhtiö and others v Commission (Woodpulp I)</i> [1988] ECR 5193	152, 158, 452
C-89, 104, 114, 116, 117 and 125–129/85 <i>Ahlström and others v Commission (Woodpulp II)</i> [1993] ECR I-1307	348
66/86 <i>Ahmed Saeed Flugreisen and others v Zentrale zur Bekämpfung unlauteren Wettbewerbs</i> [1989] ECR 803	62, 424
131/86 <i>UK v Council</i> [1988] ECR 905	227
46/87R <i>Hoechst v Commission</i> [1987] ECR 1549	283, 302, 310
46/87 and 227/88 <i>Hoechst v Commission</i> [1989] ECR 2859	99, 101–103, 146, 237, 251, 510
70/87 <i>Fediol v Commission</i> [1989] ECR 1781	369
85/87 <i>Dow Benelux</i> [1989] ECR 3137	139, 143–44, 146, 237–38
94/87 <i>Commission v Germany</i> [1989] ECR 175	434
190/87 <i>Kreis Borken v Moormann</i> [1988] ECR 4689	419, 424
374/87 <i>Orkem v Commission</i> [1989] ECR 3283	249–51, 253–54, 298, 300, 350, 510
C-2/88 <i>Imm Zwartveld and others</i> [1990] ECR I-3365	89, 422
5/88 <i>Wachauf v Bundesamt für Ernährung und Forstwirtschaft</i> [1989] ECR 2609	203, 266, 277, 297, 369
68/88 <i>Commission v Greece</i> [1989] ECR 2965	440
103/88 <i>Fratelli Costanzo v Comune di Milano</i> [1989] ECR 1839	423–24, 448–49
C-326/88 <i>Anklagemyndigheden v Hansen</i> [1990] ECR I-2911	440, 443
T-1/89 <i>Rhône-Poulenc v Commission (Polypropylene)</i> [1991] ECR II-867	208, 348
T-30/89 <i>Hilti v Commission</i> [1990] ECR II-163	293
30/89 <i>Commission v France</i> [1990] ECR I-691	204
T-51/89 <i>Tetra Pak v Commission</i> [1990] ECR II-309	88
T-64/89 <i>Automec v Commission (Automec I)</i> [1990] ECR II-367	221
T-138/89 <i>Nederlandse Bankiersvereniging and others v Commission</i> [1992] ECR II-2181 (<i>Dutch Banks</i>)	59, 66, 432–33
C-213/89 <i>The Queen v Secretary of State for Transport, ex parte Factortame</i> [1990] ECR I-2433	423, 430, 448–49, 509, 514
C-234/89 <i>Delimitis</i> [1991] ECR I-935	50, 54, 59, 86, 89, 422, 435
C 246/89R <i>Commission v UK</i> [1989] ECR 3125	449
C-251/89 <i>Athanasopoulos v Bundesanstalt für Arbeit</i> [1991] ECR I-2797	422, 430
C-290/89 <i>Commission v Belgium</i> [1991] ECR I-2851	425
C-6 and C-9/90 <i>Francovich and Bonifaci v Italy</i> [1991] ECR I-5357	419, 510, 514–15
T-24/90 <i>Automec v Commission (Automec II)</i> [1992] ECR II-2223	11, 31, 39, 49, 181–82
T-39/90 <i>SEP v Commission</i> [1991] ECR II-1497	266, 276, 282, 473
C-48/90 and C-66/90 <i>Netherlands v Commission (Dutch PTT)</i> [1992] ECR I-565	425