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The invalid directive : the legal authority of a union act requiring domestic law making

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TABLE I

Invalidated Directives

1. Directive 85/649/EEC of the Council prohibiting the use in livestock farming of certain substances having a hormonal action (The First Hormones Directive), OJEC 1985 L 382/228.

Annulled in Case 68/86 *United Kingdom v. Council* [1988] ECR 855.

2. Directive 86/113/EEC of the Council laying down minimum standards for the protection of laying hens kept in battery cages (The First Laying Hens Directive), OJEC 1986 L 95/45.

Annulled in Case 131/86 *United Kingdom v. Council* [1988] ECR 905.

3. Directive 88/201/EEC of the Commission on competition in the markets in telecommunications terminal equipment (The Terminal Equipment Directive), OJEC 1988 L 131/73.

Partially annulled in C-202/88 *French Republic v. Commission* [1991] ECR I-1223.

4. Directive 90/388 of the Commission on the competition on the market for telecommunications services (The Telecommunications Services Directive), OJEC 1990 L 192/10.

Annulled in Joined Cases C-271/90, C-281/90 and C-289/90 *Kingdom of Spain And Others v. Commission* [1992] ECR I-5859.

5. Directive 87/64/EEC of the Council of 30 December 1986 amending Directive 72/461 on health problems affecting intra-Community trade in fresh meat and Directive 72/462 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries (The Glands and Organs Directive), OJEC 1987 L 34/52.

Annulled in Case 131/87 *Commission v. Council* [1989] ECR 3743.

6. Directive 87/519/EEC of the Council amending Directive 74/63/EEC on undesirable substances and products in animal nutrition (The Animal Nutrition Directive), OJEC 1987 L 304/38.

Annulled in C-11/88 *Commission v. Council* [1989] ECR I-3799 (Summary publication).

7. Directive 89/428/EEC of the Council on the procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry (The First Titanium Dioxide Directive), OJEC 1989 L 201/56.

Annulled in C-300/89 *Commission v. Council* [1991] ECR I-2867.

8. Directive 90/121/EEC of the Commission, adapting to technical progress Annexes II, III, IV, V and VI to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products, OJEC 1990 L 71/40.

Declared invalid in preliminary reference proceedings in *C-212/91 Angelopharm GmbH v. Freie und Hansestadt Hamburg* [1994] ECR I-0171.

9. Directive 90/366/EEC of the Council on the right of residence for students (The First Students Residence Directive), OJEC 1990 L 180/30.

Annulled in *C-295/90 European Parliament v. Council* [1990] ECR I-4193.

10. Directive 93/89/EEC of the Council on the application by Member States of taxes on certain vehicles used for the carriage of goods by road and tolls and charges for the use of certain infrastructures (The First Transport Policy Directive), OJEC 1993 L 279/32.

Annulled in *C-21/94 European Parliament v. Council of the European Union* [1995] ECR I-1827.

11. Directive 93/104/EC of the Council concerning certain aspects of the organisation of working time, OJEC 1993 L 307/18.

Partially annulled in *C-84/94 United Kingdom v. Council* [1996] ECR I-5755.

12. Directive 94/43/EC of the Council establishing Annex VI to Directive 91/414/EEC concerning the placing of plant protection products on the market (The First Pesticides Directive), OJEC 1994 L 227/31.

Annulled in *C-303/94 European Parliament v. Council* [1996] ECR I-2943.

13. Directive 98/43/EC of the European Parliament and the Council on the approximation of the laws, regulations and administrative provisions of the Member States relating to the advertising and sponsorship of tobacco products (The First Tobacco Advertising Directive), OJEC 1998 L 213/9.

Annulled in *C-376/98 Germany v. European Parliament and Council* [2000] ECR I-8419.

14. Directive 1999/51/EC of the Commission adapting to technical progress for the fifth time Annex I to Council Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations (The Cadmium Directive), OJEC 1999 L 142/22.

Annulled in *C-314/99 The Netherlands v. Commission* [2002] ECR I-5521.

