



UvA-DARE (Digital Academic Repository)

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

Vandamme, T.A.J.A.

Publication date
2005

[Link to publication](#)

Citation for published version (APA):

Vandamme, T. A. J. A. (2005). *The invalid directive : the legal authority of a union act requiring domestic law making*. Europa Law Publishing.

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

TABLES 2.1 & 2.2

Tables of Cases

Table 2.1: EC Case law

A. Rulings of the Court of Justice

Joined Cases 1/57 and 14/57 <i>Société des usines à tubes de la Sarre v. High Authority</i> [1957] ECR 215	88
Case 19/58 <i>Germany v. High Authority</i> [1960] ECR 225	38
Case 24/62 <i>Germany v. Commission</i> [1963] ECR 63	27
Joined Cases 31/62 and 33/62 <i>Milchwerke Heinz Wöhrmann & Sohn KG and Alfons Lütticke GmbH v. Commission of the European Economic Community</i> [1962] ECR 501	87
Case 16/65 <i>Firma G. Schwarze v. Einfuhr- und Vorratsstelle für Getreide und Futtermittel</i> [1965] ECR 877	38
Case 32/65 <i>Italy v. Council and Commission</i> [1966] ECR 389	86
Case 44/65 <i>Hessische Knappschaft v. Maison Singer</i> [1965] ECR 1191	84
Case 34/67 <i>Firma Gebrüder Lück v. Hauptzollamt Köln-Rheinau</i> [1968] ECR 245	126
Case 5/71 <i>Zuckerfabrik Schöppenstedt v. Council</i> [1971] ECR 975	73, 80
Case 21 to 24/72 <i>International Fruit Company NV and Others v. Produktschap voor Groenten en Fruit</i> [1972] ECR 1219	57, 166, 190
Case 39/72 <i>Commission v. Italy</i> [1973] ECR 101	9, 144
Case 40/72 <i>Schroeder v. Germany</i> [1973] ECR 125	190
Case 48/72 <i>SA Brasserie de Haecht v. Wilkin-Janssen</i> [1973] ECR 77	131
Case 4/73 <i>Nold v. Commission</i> [1974] ECR 419	202
Case 10/73 <i>Rewe Zentral AG v. Hauptzollamt Kehl</i> [1973] ECR 1175	184
Case 15/73 to 33/77, 52, 53, 57 to 109, 116, 117, 123, 132 and 135 to 137-73 <i>Roswitha Schots, née Kortner, and Others v. Council, Commission and the European Parliament</i> [1974] ECR 177	90
Case 127/73 <i>Belgische Radio en Televisie v. SV SABAM and NV Fonior</i> [1974] ECR 313	131
Case 159/73 <i>Hannoverische Zucker v. Hauptzollamt Hannover</i> [1974] ECR 121	211
Case 167/73 <i>Commission v. France</i> [1974] ECR 359	128
Case 41/74 <i>Van Duyn v. Home Office</i> [1974] ECR 1337	190
Case 23/75 <i>Rey Soda v. Cassa Conguaglio Zucchero</i> [1975] ECR 1279	149, 150
Case 41/76 <i>Suzanne Criel, née Donckerwolcke and Henri Schou v. Procureur de la République au tribunal de grande instance de Lille and Director General of Customs</i> [1976] ECR 1921	208
Case 46/76 <i>W.J.G. Bauhuis v. The Netherlands</i> [1977] ECR 5	183, 184, 185
See Case 50/76 <i>Amsterdam Bulb BV v. Productschap voor Siergewassen</i> [1977] ECR 137	144
Joined Cases 117/76 and 16/77 <i>Ruckdeschel and Others v. Hauptzollamt Hamburg</i> [1977] ECR 1753	81, 102, 198

TABLE OF CASES

Joined Cases 124/76 and 20/77 <i>SA Moulins & Huileries de Pont-à-Mousson and Société coopérative Providence agricole de la Champagne v. Office national interprofessionnel des céréales</i> [1977] ECR 1795	102
Case 5/77 <i>Carlo Tedeschi v. Denkavit Commerciale s.r.l.</i> [1977] ECR 1555	68, 179
Case 38/77 <i>Enka BV v. Inspecteur der Invoerrechten en Accijnzen Arnhem</i> [1977] ECR 2203	8
Case 61/77 <i>Commission v. Ireland</i> [1978] ECR 417	208
Case 70/77 <i>Simmenthal SpA v. Amministratore delle Finanze dello Stato</i> [1978] ECR 1435	68
Joined Cases 80/77 and 81/77 <i>Ramel v. Receveur des Douanes</i> [1978] ECR 927	33, 179, 184
Case 94/77 <i>Zerbone Snc v. Amministrazione delle finanze dello Stato</i> [1978] ECR 99	144
Case 100/77 <i>Commission v. Italy</i> [1978] ECR 879	225
Joined Cases 103/77 and 145/77 <i>Koninklijke Scholten-Honig NV v. Council and Commission</i> [1978] ECR 2037	102
Case 106/77 <i>Amministrazione delle Finanze dello Stato v. Simmenthal SpA.</i> [1978] ECR 629	127
Case 21/78 <i>Knud Oluf Delkvist v. Anklagemyndigheden</i> [1978] ECR 2327	68
Case 92/78 <i>Simmenthal SpA v. Commission</i> [1979] ECR 777	84
Case 98/78 <i>A. Racke v. Hauptzollamt Mainz</i> [1979] ECR 69	135
Case 99/78 <i>Weingut Gustav Decker KG v. Hauptzollamt Landau</i> [1979] ECR 101	135
Case 101/78 <i>Granaria BV v. Hoofdprodukschap voor Akkerbouwproducten</i> [1979] ECR 623	22, 95, 115
Case 166/78 <i>Italy v. Council</i> [1979] ECR 2575	13, 39
Case 230/78 <i>Eridiana v. Minister for Agriculture and Forestry</i> [1979] ECR 2749	10, 147, 201
Case 4/79 <i>Societe Cooperative Providence Agricole de la Champagne v. Office National Interprofessionnel des Cereales (ONIC)</i> [1980] ECR 2823	71
Case 44/79 <i>Liselotte Hauer v. Land Rheinland-Pfalz</i> [1979] ECR 3727	202
Case 79/79 <i>Günter Bruckner v. Commission</i> [1982] ECR 4525	88
Case 102/79 <i>Commission v. Belgium</i> [1980] ECR 1473	225, 236
Case 109/79 <i>SARL Maiseries de Beauce v Office national interprofessionnel des céréales (ONIC)</i> [1980] ECR 2883	71
Case 129/79 <i>Macarthy's Ltd v. Wendy Smith</i> [1980] ECR 1275	240
Case 145/79 <i>SA Roquette Frères v. French State</i> [1980] ECR 2917	71
Case 543/79 <i>Anton Birke v. Commission and Council</i> [1981] ECR 2697	88
Case 66/80 <i>SpA International Chemical Corporation v. Amministrazione delle finanze dello Stato</i> [1981] ECR 1191	70, 71, 102

Case 158/80 <i>Rewe-Handelsgesellschaft Nord GmbH and Rewe-Markt Steffen v. Hauptzollamt Kiel</i> [1981] ECR 1805	133, 148
Case 8/81 <i>Ursula Becker v. Finanzamt Münster-Innenstadt</i> [1982] ECR 53	14
Case 77/81 <i>Franken v. Germany</i> [1982] ECR 681	203
Case 97/81 <i>Commission v. The Netherlands</i> [1982] ECR 1819	234
Case 124/81 <i>Commission v. United Kingdom</i> [1983] ECR 203	246
Case 172/82 <i>Syndicat national des fabricants raffineurs d'huile de graissage and Others v. Groupement d'intérêt économique 'Inter-Huiles' and Others</i> [1983] ECR 555	33
Case 231/82 <i>Spijker Kwasten BV v. Commission</i> [1983] ECR 2559	57
Case 264/82 <i>Timex v. Council and Commission</i> [1985] ECR 849	37, 51
Case 281/82 <i>Unifrex v. Commission</i> [1984] ECR 1969	74
Case 319/82 <i>Société de Vente de Ciments et Bétons de l'Est SA v. Kerpen & Kerpen GmbH und Co. KG</i> [1983] ECR 4173	132
Case 13/83 <i>Parliament v. Council</i> [1985] ECR 1513	164
Case 16/83 <i>Criminal proceedings v. Karl Prantl</i> [1984] ECR 1299	211
Case 37/83 <i>Rewe-Zentrale AG v. Director of the Landwirtschaftskammer Rheinland</i> [1984] ECR 1229	31, 68, 76, 179
Case 112/83 <i>Société des Produits de Maïs SA v. Administration des douanes et droits indirects</i> [1984] ECR 719	71
Joined Cases 194 to 206/83 <i>Asteris AE and Others v. Commission</i> [1985] ECR 2815	75
Case 240/83 <i>Procureur de la République v. Association de défense des brûleurs d'huiles usagées (ADBHU)</i> [1985] ECR 531	33, 68, 179, 253, 303
Case 272/83 <i>Commission v. Italy</i> [1985] ECR 1057	144
Case 41/84 <i>Pinna v. Caisse d'allocations familiales de la Savoie</i> [1986] ECR 1	71, 72, 179
Case 101/84 <i>Commission v. Italy</i> [1985] ECR 2629	226
Case 152/84 <i>Marshall v. Southampton & South West Hampshire Area Health Authority (teaching)</i> [1984] ECR 723	5
Case 175/84 <i>Krohn & Co. v. Commission</i> [1986] ECR 753	74, 81
Case 15/85 <i>Consortio Cooperativo d'Abruzzo v. Commission</i> [1987] ECR 1005	88, 104
Case 20/85 <i>Mario Roviello v. Landesversicherungsanstalt Schwaben</i> [1988] ECR 2805	72, 185
Case 186/85 <i>Commission v. Belgium</i> [1987] ECR 2029	218
Case 208/85 <i>Commission v. Germany</i> [1987] ECR 4045	236
Case 218/85 <i>CERAFEL v. A. Le Champion</i> [1986] ECR 3513	211
Joined Cases 227-230/85 <i>Commission v. Belgium</i> [1988] ECR 1	225, 234
Case 314/85 <i>Foto Frost v. Hauptzollamt Lübeck-Ost</i> [1987] ECR 4225	21
Case 326/85 <i>The Netherlands v. Commission</i> [1987] ECR 5091	209
Case 12/86 <i>Demirel v. Stadt Schwäbische Gmünd</i> [1987] ECR 3719	200
Joined Cases 33/86, 44/86, 110/86, 226/86 and 285/86 <i>Peine-Saltzgitter v. Commission</i> [1988] ECR 4309	34

TABLE OF CASES

Case 34/86 <i>Council v. European Parliament</i> [1986] ECR 2155	160
Case 74/86 <i>Commission v. Germany</i> [1988] ECR 2139	236
Case 80/86 <i>Kolpinghuis</i> [1987] ECR 3969	5, 49
Case 116/86 <i>Commission v. Italy</i> [1988] ECR 1323	236
Case 131/86 <i>United Kingdom v. Council</i> [1988] ECR 905	21, 39, 55, 103, 168, 170, 216
Joined Cases 106 to 120/87 <i>Asteris and Others v. Greece</i> [1988] ECR 5515	75, 83
Case 222/86 <i>Union nationale des entraineurs et cadres techniques professionnels du football (Unectef) v. Georges Heylens and Others</i> [1987] ECR 4097	64
Case 313/86 <i>O. Lenoir v. Caisse d'allocations familiales des Alpes-Maritimes</i> [1988] ECR 5391	38
Case 18/87 <i>Commission v. Germany</i> [1988] ECR 5427	183, 184
Case 51/87 <i>Commission v. Council</i> [1988] ECR 5459	159
Joined Cases 106 to 120/87 <i>Asteris and Others v. Greece</i> [1988] ECR 5515	75, 83
Case 131/87 <i>Commission v. Council</i> [1989] ECR 3743	21
Case 165/87 <i>Commission v. Council (Description and Coding)</i> [1988] ECR 5545	52, 170
Case 226/87 <i>Commission v. Greece</i> [1988] ECR 3611	88, 89
Case 265/87 <i>Hermann Schröder HS Kraftfutter GmbH & Co. KG v. Hauptzollamt Gonau</i> [1989] ECR 2237	198
Case 352/87 <i>Farzoo and Kortmann v. Commission</i> [1988] ECR 2281	64
Case 5/88 <i>Hubert Wachauf v. Germany</i> [1989] ECR 2609	201, 202
Case C-8/88 <i>Commission v. Germany</i> [1990] ECR I-2321	134
Case 11/88 <i>Commission v. Council</i> [1989] ECR I-3799	21, 85
Case 20/88 <i>SA Roquette frères v. Commission</i> [1989] ECR 1553	74, 145
Case 103/88 <i>Fratelli Costanzo SpA v. Commune di Milano</i> [1989] ECR 1861	14
C-131/88 <i>Commission v. Germany</i> [1991] ECR I-849	234
C-133/88 <i>Joseph Flourez and Others v. Council</i> [1988] ECR 6393	46
Joined Cases C-143/88 and C-92/89 <i>Zückerfabrik Süderdithmarschen AG v. Hauptzollamt Itzehoe and Zuckerfabrik Soest GmbH v. Hauptzollamt Paderborn</i> [1991] ECR I-415	90, 91, 98, 253, 299, 325
C-160/88 <i>R Fedesa v. Council</i> [1988] ECR 4122	43, 46, 48, 63, 91, 96
C-202/88 <i>France v. Commission</i> [1991] ECR I-1223	21, 34, 39, 167, 302
C-262/88 <i>Douglas Harvey Barber v. Guardian Royal Exchange Assurance Group</i> [1990] ECR I-1945	13, 22, 56
C-331/88 <i>R. v. The Minister for Agriculture, Fisheries and Food and the Secretary of State for Health, ex parte Fedesa</i> [1990] ECR I-4023	26, 30, 55, 59, 63, 78, 103, 113, 119, 135, 154, 162, 170, 199, 224
C-30/89 <i>Commission v. France</i> [1990] ECR I-691	30

C-58/89 <i>Commission v. Germany</i> [1991] ECR I-4983	234, 236
C-59/89 <i>Commission v. Germany</i> [1991] ECR I-2607	236
C-63/89 <i>Les Assurances du crédit S.A. et al. v. Council and Commission</i> [1991] ECR I-1799	58, 63, 76, 77, 78
C-69/89 <i>Nakajima v. Council</i> [1991] ECR I-2069	194, 195, 196
C-106/89 <i>Marleasing</i> [1990] ECR I-4135	237, 238
C-128/89 <i>Commission v. Italy</i> [1990] ECR I-3239	31
C-213/89 <i>R. v. Secretary of State for Transport, ex parte Factortame</i> [1990] ECR I-2433	133, 240
C-234/89 <i>Stergios Delimitis v. Henninger Bräu AG</i> [1991] ECR I-935	132
C-248/89 <i>Cargill BV v. Commission</i> [1991] ECR I-2987	104
C-260/89 <i>Elliniki Radiophonia Tileorassi AE and Others v. Dimotiki Etairia Pliroforissis and thers</i> [1991] ECR I-2925	200
C-298/89 <i>Government of Gibraltar v. Council</i> [1993] ECR I-3605	4, 42, 81
C-300/89 <i>Commission v. Council</i> [1991] ECR I-2867	21
C-309/89 <i>Codorniu v. Council</i> [1994] ECR I-1853	37, 51
C-310/89 <i>Commission v. The Netherlands</i> [1991] ECR I-1383	95
C-337/89 <i>Commission v. United Kingdom</i> [1992] ECR 6103	225
C-358/89 <i>Extramet Industrie SA v. Council</i> [1991] ECR I-2501	96
C-368/89 <i>Antonio Crispoltoni v. Fattoria autonoma tabacchi di Città di Castello</i> [1991] ECR I-3695	135
C-33/90 <i>Commission v. Italy</i> [1991] ECR I-5987	219
C-55/90 <i>James Joseph Cato v. Commission</i> [1992] ECR I-2533	74
C-65/90 <i>European Parliament v. Council</i> [1992] ECR I-4593	164, 171
C-159/90 <i>The Society for the Protection of Unborn Children Ireland Ltd v. Stephen Grogan and Others</i> [1991] ECR I-4685	200
C-186/90 <i>Durighello v. INIPS</i> [1991] ECR I-5773	53
C-190/90 <i>Commission v. The Netherlands</i> [1992] ECR I-3265	235
C-237/90 <i>Commission v. Germany</i> [1992] ECR I-5973	235
Joined Cases C-271/90, C-281/90 and C-289/90 <i>Spain v. Commission</i> [1992] ECR I-5859	21, 34, 39
C-282/90 <i>Vreugdenhil BV v. Commission</i> [1992] ECR I-1937	74, 145
C-286/90 <i>Anklagemyndigheden v. Peter Michael Poulsen and Diva Navigation Corp.</i> [1992] ECR I-6019	196
C-295/90 <i>European Parliament v. Council</i> [1990] ECR I-4193	54, 114, 143, 160, 216
Joined Cases C-71/91 and C-178/91 <i>Ponente Carni SpA and Cispadana Costruzioni SpA v. Amministrazione delle Finanze dello Stato</i> [1993] ECR I-1915	126
C-74/91 <i>Commission v. Germany</i> [1992] ECR I-5437	89
C-75/91 <i>Commission v. The Netherlands</i> [1992] ECR I-549	225
C-97/91 <i>Oleificio Borelli v. Commission</i> [1992] ECR I-6331	64, 133
Joined Cases C-121/91 and 122/91 <i>CT Control (Rotterdam) BV and JCT Benelux BV v. Commission</i> [1993] ECR I-3873	69

TABLE OF CASES

C-195/91 <i>P Bayer AG v. Commission</i> [1994] ECR I-5619	89
C-212/91 <i>Angelopharm GmbH v. Freie und Hansestadt Hamburg</i> [1994] ECR I-0171	22, 25, 56, 57, 68, 108, 137, 237
C-327/91 <i>France v. Commission</i> [1994] ECR I-3641	190
C-338/91 <i>H. Steenhorst-Neerings v. Bestuur van de Bedrijfsvereniging voor Detailhandel, Ambachten en Huisvrouwen</i> [1993] ECR I-5475	236
C-2/92 <i>R. v. Ministry of Agriculture, Fisheries and Food, ex parte Dennis Clifford Bostock</i> [1994] ECR I-955	204
C-83/92 <i>Pierrel SpA and Others v. Ministero della Sanità</i> [1993] ECR I-6419	238
C-91/92 <i>Paola Faccini Dori v. Recreb Srl</i> [1994] ECR I-3325	49, 120
C-137/92 <i>P Commission v. BASF AG and Others</i> [1994] ECR I-2555	88, 89, 177
C-188/92 <i>TWD Textilwerke Deggendorf GmbH v. Bundesrepublik Deutschland</i> [1994] ECR I-833	57, 86, 87
C-315/92 <i>Clinique Laboratoires</i> [1994] ECR I-317	33
C-388/92 <i>European Parliament v. Council</i> [1994] ECR I-2067	164, 171
C-51/93 <i>Meyhui NV v. Schott Zwiesel Glaswerke AG</i> [1994] ECR I-3879	13, 68, 179, 186, 253, 280
C-156/93 <i>Parliament v. Commission</i> [1995] ECR I-2019	168
C-260/93 <i>Commission v. Belgium</i> [1994] ECR I-1611	226
C-280/93 <i>Germany v. Council</i> [1994] ECR I-4973	194
Joined Cases C-363/93, C-407/93, C-408/93, C-409/93, C-410/93 and C-411/93 <i>René Lancry SA v. Direction Générale des Souanes and Others and Société Dindar Autos v. Conseil Régional de la Réunion and Direction Régionale des Douanes de la Réunion</i> [1994] ECR I-3957	179
C-392/93 <i>R. v. HM Treasury, ex parte British Telecommunications plc</i> [1996] ECR I-1631	201
C-426/93 <i>Germany v. Council</i> [1995] ECR I-3723	176
Joined Cases C-427/93, C-429/93 and C-436/93 <i>Bristol-Meyers Squibb and Others v. Paranova A/S</i> [1996] ECR I-3457	29, 179, 180
C-465/93 <i>Atlanta Fruchthandelsgesellschaft v. and Others v. Bundesamt für Ernährung und Fortwirtschaft</i> [1995] ECR I-3761	96
C-21/94 <i>European Parliament v. Council</i> [1995] ECR I-1827	54, 95, 160, 161, 171
C-61/94 <i>Commission v. Germany</i> [1996] ECR I-3989	190
C-83/94 <i>Criminal proceedings against Peter Leifer and Others</i> [1995] ECR I-3231	208
C-84/94 <i>United Kingdom v. Council</i> [1996] ECR I-5755	34, 39, 107, 168, 172, 176, 182, 294
C-127/94 <i>R. v. Ministry of Agriculture, Fisheries and Food, ex parte H. & R. Ecroyd Holdings Ltd and J. R. Ecroyd</i> [1996] ECR I-2731	149
C-194/94 <i>CIA Securitel International S.A. v. Signalson SA and Securitel sprl</i> [1996] ECR I-2201	129, 187
Joined Cases C-286/94, C-340/95, C-401/95 and C-47/96 <i>Garage Molenheide BVBA and Others v. Belgian State</i> [1997] ECR I-7281	177

C-233/94 <i>Germany v. European Parliament and Council</i> [1997] ECR I-2405	39, 172, 182
C-271/94 <i>European Parliament v. Council</i> [1996] ECR I-1689	113, 143, 147, 160, 163
C-302/94 <i>R. v. Secretary of State for Trade and Industry</i> [1996] ECR I-6417	68, 253
C-303/94 <i>European Parliament v. Council</i> [1996] ECR I-2943	25, 40, 118, 307
C-10/95 <i>P Asocarne v. Council</i> [1995] ECR I-4149	44, 47, 48, 50
C-27/95 <i>Woodspring District Council v. Bakers of Nailsea Ltd</i> [1997] ECR I-1847	68, 198, 253
C-28/95 <i>Leur-Bloem v. Inspecteur der Belastingdienst</i> [1997] ECR I-4161	146
Joined Cases C-65/95 and C-111/95 <i>Singh Shingara and Radiom</i> [1997] ECR I-3343	199
C-96/95 <i>Commission v. Germany</i> [1997] ECR I-1653	236
C-127/95 <i>Norbrook Laboratories Ltd v. Ministry of Agriculture, Fisheries and Food</i> [1998] ECR I-1531	68, 179, 253
C-149/95 P (R) <i>Commission v. Atlantic Container Line A.B.</i> [1995] ECR I-2165	94
C-191/95 <i>Commission v. Germany</i> [1998] ECR I-5449	177
C-299/95 <i>Friedrich Kremzow v. Austria</i> [1997] ECR I-2629	200
C-334/95 <i>Krüger GmbH & Co. KG v. Hauptzollamt Hamburg-Jonas</i> [1997] ECR I-4517	96
C-408/95 <i>Eurotunnel SA and Others v. Sea France, formerly Société Nouvelle d'Armement Transmanche SA</i> [1997] ECR I-6315	50, 57, 139, 253
C-1/96 <i>R. v. Minister of Agriculture, Fisheries and Food, ex parte Compassion in World Farming Ltd.</i> [1998] ECR I-1251	68, 190, 192, 193, 253
C-20/96 <i>Snares v. Adjudication Officer</i> [1997] ECR I-6057	302
C-53/96 <i>Hermès International v. FHT Marketing Choice BV</i> [1998] ECR I-3603	193
C-54/96 <i>Dorsch Consult Ingenieurgesellschaft mbH v. Bundesbaugesellschaft Berlin mbH</i> [1997] ECR I-4961	144
C-129/96 <i>Inter-Environnement Wallonie ASBL v. Région Wallonne</i> [1997] ECR I-7411	49, 99, 214
C-149/96 <i>Portugal v. Council</i> [1999] ECR I-8395	32, 194
C-158/96 <i>Kohll v. Union des caisses de maladie</i> [1998] ECR I-1931	31, 178
C-162/96 <i>A. Racke GmbH & Co. v. Hauptzollamt Mainz</i> [1998] ECR I-3655	25, 196, 197
C-170/96 <i>Commission v. Council</i> [1998] ECR I-2763	150, 152
C-190/96 <i>United Kingdom v. Commission</i> [1998] ECR I-2265	85
C-200/96 <i>Metronome Musik GmbH v. Music Point Hokamp GmbH</i> [1998] ECR I-1953	68, 199
C-207/96 <i>Commission v. Italy</i> [1997] ECR I-6869	236
C-249/96 <i>Grant v. South-West Trains Ltd.</i> [1998] ECR I-621	199

TABLE OF CASES

C-368/96 <i>R. v. The Licensing Authority established by the Medicines Act 1968 (acting by The Medicines Control Agency), ex parte Generics (UK) Ltd</i> [1998] ECR I-7967	68, 253
Joined Cases C-9/97 and C-118/97 <i>Raija-Liisa Jokela and Laura Pitkäranta</i> [1998] ECR I-6267	176
Joined Cases C-10/97 to C-22/97 <i>Ministero delle Finanze v. IN.CO.GE.'90 Srl and Others</i> [1998] ECR I-6307	126, 127
C-77/97 <i>Österreichische Unilever GmbH v. Smithkline Beecham Markenartikel GmbH</i> [1999] ECR I-431	33
C-106/97 <i>Dutch Antillian Dairy Industry Inc. and Verenigde Douane-Agenten BV v. Rijksdienst voor de keuring van Vee en Vlees</i> [1999] ECR I-5983	68, 253, 313
Joined Cases C-164/97 and 165/97 <i>European Parliament v. Council</i> [1999] ECR I-1139	143
C-226/97 <i>Johannes Martinus Lemmens</i> [ECR] I-3711	128, 129
C-293/97 <i>R. v. Secretary of State for the Environment and the MAFF, ex parte H.A. Standley a.o.</i> [1999] ECR I-2603	68, 176, 199, 253
C-310/97 <i>P. AssiDomänKraft Products AB v. Commission</i> [1999] ECR I-5363	22
C-387/97 <i>Commission v. Greece</i> [2000] ECR I-5047	226
C-404/97 <i>Commission v. Portugal</i> [2000] ECR I-4897	89
C-165/98 <i>Mazzoleni</i> [2001] ECR I-2189	6
C-166/98 <i>Société critouridienne de distribution (Socridis) v. Receveur principal des douanes</i> [1999] ECR I-3791	31, 179, 253
C-168/98 <i>Luxembourg v. European Parliament and Council</i> [2000] ECR I-9131	39, 179
C-210/98 <i>P. Saltzgitter v. Commission</i> [2000] ECR I-5843	38
C-220/98 <i>Estée Lauder Cosmetics GmbH & Co. OHG v. Lancaster Group GmbH</i> [2000] ECR I-117	33
C-352/98 <i>P. Bergaderm SA and J.-J. Goupil v. Commission</i> [2000] ECR I-5291	75, 81
C-376/98 <i>Germany v. European Parliament and Council</i> [2000] ECR I-8419	35, 39, 56, 68, 179, 237
C-377/98 <i>R. The Netherlands v. European Parliament and Council</i> [2000] ECR I-6229	91, 92, 93, 96, 141, 142, 229, 304
C-377/98 <i>The Netherlands v. European Parliament and Council</i> [2001] ECR I-7079	39, 91, 172, 190, 206, 304
C-36/99 <i>Idéal tourisme SA v. Belgian State</i> [2000] ECR I-6049	204
C-74/99 <i>R. v. Secretary of State for Health, ex parte Imperial Tobacco and Others</i> ECR [2000] I-8599	59, 68, 253
C-145/99 <i>Commission v. Italy</i> [2002] ECR I-2235	236
C-169/99 <i>Hans Schwarzkopf GmbH & Co KG v. Zentrale zur Bekämpfung unlauteren Wettbewerbs</i> [2001] ECR I-5901	26, 33

C-261/99 <i>Commission v. France</i> [2001] ECR I-2537	89
C-314/99 <i>The Netherlands v. Commission</i> [2002] ECR I-5521	25, 39, 54, 199, 257
C-321/99 P <i>Associação dos Refinadores de Açúcar Portugueses (ARAP), Alcântara Refinarias - Açúcares SA and Refinarias de Açúcar Reunidas SA (RAR) v. Commission</i> [2002] ECR I-4287	38
C-329/99 P (R) <i>Pfizer Animal Health SA and Others v. Commission</i> [1999] ECR I-8343	92
C-390/99 <i>Canal Satélite Digilal SL v. Administración General del Estado</i> [2002] ECR I-607	188
C-453/99 <i>Courage Ltd v. Bernard Crehan and Bernard Crehan v. Courage Ltd and Others</i> [2001] ECR I-6297	132
C-1/00 <i>Commission v. France</i> [2001] ECR I-9989	86
Joined Cases C-20/00, C-64/00 <i>Booker Agriculture v. The Scottish Ministers</i> [2003] ECR I-7411	30, 203, 252, 253
C-50/00 P <i>UPA v. Council</i> [2002] ECR 6677	51, 59, 60, 63, 101, 223
C-62/00 <i>Marks & Spencer plc v. Commissioners of Customs & Excise</i> [2002] ECR I-6325	11
C-93/00 <i>European Parliament v. Council</i> , [2001] ECR I-10119	143
C-112/00 <i>Eugen Schmidberger, Internationale Transporte und Planzüge v. Austria</i> [2003] ECR I-5659	67, 175
Joined Cases C-307/00 to C-311/00 <i>Oliehandel Koeweit BV and Others v. Minister van Volkshuisvesting, Ruimtelijke Ordening en Milieubeheer</i> [2003] ECR I-1821	106
C-58/01 <i>Océ Van der Grinten NV v. Commissioners of Inland Revenue</i> [2003] ECR I-9809	248
Joined Cases C-187/01 and C-385/01 <i>Gözütok and Brüggé</i> [2003] ECR I-1345	16, 154
C-189/01 <i>H. Jippes and Others v. Minister van Landbouw, Natuurbeheer en Visserij</i> [2001] ECR I-5689	68, 85, 192, 253, 313
C-224/01 <i>Gerhard Köbler v. Austria</i> [2003] ECR I-10239	61
C-241/01 <i>National Farmers' Union v. Secrétariat général du gouvernement</i> [2002] ECR I-9079	57, 87
C-259/01 <i>Commission v. France</i> [2002] ECR I-11093	236
C-475/01 <i>Commission v. Greece</i> , Judgment of the Court of 5 October 2004, n.y.r	33, 87, 88
C-491/01 <i>R. v. Secretary of State for Health, ex parte British American Tobacco Ltd and Others</i> [2002] ECR I-11453	26, 47, 57, 68, 140, 168, 170, 172, 190, 194, 208, 250, 253
C-93/02 P <i>Biret v. Council</i> [2003] ECR I-10497	78, 194, 195
C-157/02 <i>Rieser Internationale Transporte GmbH v. Autobahnen- und Schnellstraßen-Finanzierungs- AG (Asfnag)</i> , n.y.r	161, 214
C-263/02 P <i>Commission v. Jégo-Quéré</i> , Judgment of the Court of 1 April 2004, n.y.r	51

Joined Cases C-434/02 and C-210/03, <i>Arnold André GmbH & Co. KG v. Landrat Herford and Swedish Match AB v. Secretary of State for Health</i> (Pending) OJEU 2003 C 44/23	68, 107
C-380/03 <i>Germany v. Parliament and Council</i> (Pending)	39, 167
C-453/03, <i>R. ex parte ABNA and Others v. Secretary of State for Health and the Food Standards Agency</i> (Pending) OJEC 2004 C 7/22	97, 253, 299
C-456/03 <i>Commission v. Italy</i> (Pending) OJEU 2004 C 7/22	95
Joined Cases C-11/04 and C-12/04, <i>Fratelli Martini and Ferari Mangimi v. Ministero per le Politiche agricole e forestali</i> (Pending) OJEU 2004 C 59/18	253
C-194/04, <i>Nevedi v. Productschap Diervoeder</i> (Pending), OJEU 2004 C 179/4 97	100, 253
B. Opinions	
Opinion 1/75 <i>Article 228 of the EEC Treaty</i> [1975] ECR I-1355	208
Opinion 1/94 <i>WTO</i> [1994] ECR I-5267	208
Opinion 2/94 <i>Accession tot the ECHR</i> [1996] ECR I-1759	127
C. Rulings of the Court of First Instance	
T-26/90 <i>Finsider v. Commission</i> [1992] ECR II-1789	34
T-463/93 <i>GUNA Srl. v. Council</i> [1993] ECR II-1205	43, 48, 52
Joined Cases T-481/93 and T-484/93 <i>Vereniging van Exporteurs van Levende Varkens and Others v. Commission</i> [1995] ECR II-2941	72, 108
T-99/94 <i>Asocarne and Others v. Council</i> [1994] ECR II-871	43, 47, 48
T-115/94 <i>Opel Austria GmbH v. Council</i> [1997] ECR II-39	196
T-167/94 <i>Detlef Nölle v Council of the European Union and Commission</i> [1995] ECR II-2589	75
T-305/94 to T-335/94 <i>Limburgse Vinyl Maatschappij NV and Others v. Commission</i> [1999] ECR II-931	84
T-219/95 <i>R Marie-Thérèse Danielsson, Pierre Largeteau and Edwin Haoa v. Commission</i> [1995] ECR II-3051	296
T-228/95 <i>S. Lehrfreund Ltd v. Council of the European Union and Commission</i> [1996] ECR II-111	80
T-135/96 <i>Union Européenne de l'Artisanat et des Petites et Moyennes Entreprises v. Council</i> [1998] ECR II-2335	44, 45, 46
T-199/96 <i>Bergaderm SA and Jean-Jacques Goupil v. Commission</i> [1998] ECR II-2805	75
T-22/97 <i>Kesko</i> [1999] ECR II-3775	134
Joined Cases T-172/98, T-176/98 and T-177/98 <i>Salamander and Others v. European Parliament and Council</i> [2000] ECR II-2487	44, 50, 52, 62, 64, 237
T-13/99 <i>R Pfizer Animal Health SA/NV v. Council</i> [1999] ECR II-1961	91

T-174/00 <i>Biret International v. Council</i> [2002] ECR II-17	78, 190
T-311/00 <i>British American Tobacco Ltd v. Commission</i> [2002] ECR II-2781	106
T-177/01 <i>Jégo-Quéré et Cie SA v. Commission</i> [2002] ECR II-2365	51, 59
T-223/01 <i>Japan Tobacco Inc. and JT International SA v. European Parliament and Council</i> [2002] ECR II-3259	44, 47, 49, 78
T-167/02 <i>Etablissements Toulorge v. European Parliament and Council of the European Union</i> [2003] ECR II-1111	45, 51, 75

D. The European Commission of Human Rights

Decision of 9 February 1990, No. 13258/87, <i>M. & Co. v. Germany</i> , report of the Commission on Human Rights 1990	206
--	-----

E. The European Court of Human Rights

<i>Matthews v. the United Kingdom</i> , No. 24833/94, Judgement of 18 February 1999	206
--	-----

Table 2.2: National Case Law

A. United Kingdom

<i>Ridge v. Baldwin</i> , [1964] AC 40 [1963] 2 All ER 66	252
<i>Blackburn v. Attorney General</i> [1971] 2 All ER 1380	250
<i>American Cyanamid Co. v. Ethicon</i> [1975] 2 All ER 396	254
<i>R. v. Secretary of State for the Environment ex parte Rose Theatre, Trust</i> [1990] 1 All ER 954	300
<i>R. v. Secretary of State for Trade ex parte Duddridge</i> [1995] Envir. Law Rep. p. 151	250
<i>R. v. Terence Searle And Others</i> , [1995] CMLR, p. 196-219	253
<i>R. v. Secretary of State for Trade and Industry ex parte Unison</i> [1997] CMLR, p. 459	246
<i>R. v. Shepherd Neame Ltd., R. (on the application of) v. H M Treasury & Anor</i> [1999] EWCA Civ. 776 (12 February 1999)	217
<i>R. v. Secretary of State for Health and Others, ex parte Imperial Tobacco and Others</i> , [2000] EuLR, p. 70	98, 101, 250, 253

B. Belgium

<i>Court of Arbitration (Arbitragehof/Cour d'Arbitrage)</i> Arbitragehof/Cour d' Arbitrage, 30 September 1999, v.z.w. <i>Royal Union Motor Entre-Sambre -et-Meuse and Others</i> , Judgment No. 102/99	63, 275, 276
Arbitragehof/Cour d' Arbitrage, 13 March 2001, <i>Waals Decreet Sponsoring Evenementen</i> , Judgment No. 36/01	264
Arbitragehof/Cour d' Arbitrage, 7 March 2002, <i>Demanet</i> , Judgment No. 122/02	277

Arbitragehof/Cour d' Arbitrage, 17 September 2003, <i>Dublet</i> , Judgment No. 118/03	277
C. France	
<i>Constitutional Council (Conseil Constitutionnel)</i>	
CC, 29 February 1972, Décision No. 72-73 L	292
CC, 25 June 1986, Décision No. 86-207 DC	290
CC, 5 January 1988, Décision No. 88-223 DC	290
CC, 25 July 1989, Décision No. 89-256 DC	293
CC, 30, December 1995, Décision No. 95-370 DC	296
CC, 7 November 2000, Décision No. 00-190 L	284
<i>Conseil d'État (Council of State)</i>	
CE, 18 January 1974, <i>Union de Minotiers de Champagne</i> , RTDE 1975, p. 86-93	297
CE, 2 April 1981, <i>Groupement d'intérêt économique Vipal</i> , D., 1982. J. 209-214	297
CE, 20 October 1989, <i>Nicolo</i> , Rec. Lebon, 1989, p. 190	293
CE, 25 May 1990, <i>Fédération Rhône-Alpes de protection de nature</i> , No. 99453, D. 1991.J.114	298
CE, 21 December 1990, <i>l'association pour l'objection de conscience à toute participation à l'avortement and Others</i> , No. 111417	301
CE, 19 June 1992, <i>Fédération départementale des syndicats d'exploitants agricoles des Côtes-du-Nord</i> , Rec. Lebon 1992, Tables 734 and 788	299
CE, 6 June 1997, <i>Aquarone</i> , AJDA, 1997, p. 630	197
CE, 27 April 1998, <i>État de Sarre</i> , No. 169014	66, 298
CE, 18 September, 1998, <i>Société Demesa</i> , No. 120378	297
CE 19 March 2003, <i>A.D.E.M. and Others</i> , No. 234073	300
CE, 29 October 2003, <i>Techna S.A.</i> , No. 260768	97, 299
CE, 24 November 2003, <i>UNACOM</i> , No. 250304	298
<i>Decisions of Ordinary Courts</i>	
Cour de Cassation, Chambre Criminelle, 21 February 1994, No. 92-81421	302
Cour de Cassation, Chambre Criminelle, 5 March 1998, No. 96-83661	302
Cour de Cassation, Chambre Criminelle, 5 October 1999, No. 98-83533	294
Cour de Cassation, Chambre Criminelle, 11 January 2000, No. 98-84408	294
Cour Administratif d' Appel Paris, 23 March, <i>SA LCA</i> , Req. No. 98PA02843	302
Cour Administratif d' Appel Paris, 31 January, 1997, <i>Sté cooperative agricole de la plaine de Genlis et de la region d'auxonne</i> , Req. No. 94PA01438	302

D. The Netherlands*Supreme Court (Hoge Raad)*

HR, 13 January 1879, Meerenberg, W 4330	305
HR, 7 March 1969, NJ 1969, 316	317
HR, 1 July 1983, NJ 1984, 360	316
HR, 16 May 1986, NJ 1986, 574	317
HR, 14 April 1989, NJ 1989, 469	314
HR, 11 October 1997, JB 1997, 241	317
HR, 25 November 1997, NJ 1998, 194	316

Council of State, Administrative Division (Afdeling Bestuursrechtspraak Raad van State)

RvS, 9 August 1994, JB 1995, 324	316
RvS, 8 August 2000, AB 2000, 414	106

Industrial Appeals Tribunal (College voor het Beroeps- en Bedrijfsleven)

CBB, 26 April 2001, AB 2001, nr. 201	193, 314
--------------------------------------	----------

President District Court (President Rechtbank)

President Rechtbank Den Haag, 18 January 1977, AB 1977, 377	310
President Rechtbank Den Haag, 22 april 2004, KG 2004, 317	97