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

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### Table 3.1: EC Legislation

**A. Directives**

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<tr>
<th>Directive</th>
<th>Description</th>
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<tr>
<td>77/93/EEC</td>
<td>Directive of the Council on protective measures against the introduction into the member states of organisms harmful to plants or plant products, OJEC 1977 L 26/20</td>
</tr>
<tr>
<td>84/631/EEC</td>
<td>Directive of the Council on the supervision and control within the European Community of the transfrontier shipment of hazardous waste, OJEC 1984 L 326/31</td>
</tr>
<tr>
<td>85/649/EEC</td>
<td>Directive of the Council prohibiting the use of livestock farming of certain substances having a hormonal action, OJEC 1985 L 382/228</td>
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<tr>
<td>87/343/EEC</td>
<td>Directive of the Council amending, as regards credit insurance and suretyship insurance, First Directive 73/239/EEC on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life insurance, OJEC 1987 L 185/72</td>
</tr>
<tr>
<td>88/146/EEC</td>
<td>Directive of the Council prohibiting the use in livestock farming of certain substances having a hormonal action, OJEC 1988 L 70/16</td>
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<td>88/301/EEC</td>
<td>Directive of the Commission on competition in the markets for telecommunications terminal equipment, OJEC 1988 L 131/73</td>
</tr>
<tr>
<td>89/104/EEC</td>
<td>Directive of the Council to approximate the laws of the Member States relating to trade marks, OJEC 1989 L 40/1</td>
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<tr>
<td>89/428/EEC</td>
<td>Directive of the Council on procedures for harmonizing the programmes for the reduction and eventual elimination of pollution caused by waste from the titanium dioxide industry, OJEC 1989 L 201/56</td>
</tr>
<tr>
<td>89/463/EEC</td>
<td>Directive of the Council amending Directive 83/416/EEC concerning the authorization of scheduled inter-regional air services for the transport of passengers, mail and cargo between Member States, OJEC 1989 L 226/14</td>
</tr>
<tr>
<td>90/382/EEC</td>
<td>Directive of the Commission on competition in the markets for telecommunications services, OJEC 1990 L 192/10</td>
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<tr>
<td>90/425/EEC</td>
<td>Directive of the Council concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market, OJEC 1990 L 224/29</td>
</tr>
<tr>
<td>92/12/EEC</td>
<td>Directive of the Council on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, OJEC 1992 L 76/1</td>
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<tr>
<td>92/112/EEC</td>
<td>Directive of the Council on procedures for harmonizing the programmes for the reduction of pollution caused by waste from the titanium dioxide industry, OJEC 1992 L 409/11</td>
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</table>
93/89/EEC, Directive 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, OJEC 1993 L 279/32
93/104/EC, Directive of the Council concerning certain aspects of the organization of working time, OJEC 1993 L 307/18
98/29/EC, Directive of the Council on harmonization of the main provisions concerning export credit insurance for transactions with medium and long-term cover, OJEC 1998 L 148/22
98/34/EC, Directive of the European Parliament and the Council laying down a procedure for the provision of information in the field of technical standards and regulations, OJEC 1998 L 204/37
<table>
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**B. Regulations**

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<tr>
<td>1408/71</td>
<td>Regulation of the Council on the application of social security to employed persons and their families moving within the Community</td>
<td>OJEC 1971 L 149/2</td>
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<td>3023/77</td>
<td>Regulation of the Council on certain measures to put an end to abuses resulting from the sale of agricultural products on board ship</td>
<td>OJEC 1977 L 358/2</td>
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<td>3427/85/EEC</td>
<td>Regulation of the Council amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71</td>
<td>OJEC 1985 L 331/1</td>
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259/93, Regulation of the Council on the supervision and control of shipments of waste within, into, and out of the European Community, OJEC 1993 L 30/1
1410/96, Regulation of the Commission concerning the partial withdrawal of Regulation 3053/95 amending Annexes I, II, V, VI, VII, VIII, IX and XI to Council regulation 3030/93 on common rules for imports of certain textile products from third world countries, OJEC 1996 L 181/15
820/97, Regulation of the Council on establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products, OJEC 1997 L 117/1

C. Decisions
93/323/EEC, Decision of the Council concerning the conclusion of an Agreement in the form of a Memorandum of Understanding between the European Economic Community and the United States of America on government procurement, OJEC 1993 L 125/1
96/239/EC, Decision of the Commission on emergency measures to protect against bovine spongiform encephalopathy, OJEC 1996 L 78/47
99/468/EC, Decision of the Council laying down the procedures for the exercise of implementing powers conferred on the Commission ('Comitology' Decision), OJEC 1999 L 184/23
03/641/EC, Decision of the Commission on then use of colour photographs as health warnings on tobacco products, OJEU 2003 L 226/24

D. Other acts of the Communities
Council Resolution on the Quality of Drafting of Community Legislation, OJEC 1993 C 166/1
Communication of the Commission on an internal market for pension funds, OJEC 1994 C 360/8
Interinstitutional Agreement of 22 December 1998 on common guidelines of drafting of Community legislation, OJEC 1999 C 73/1
List of Committees which assist the Commission in the exercise of its implementing powers, OJEC 2000 C 225/2
Commission White Paper on European Governance, OJEC 2001 C 297/1

E. Union Acts
2001/220/JHA, Council Framework Decision on the standing of victims in criminal proceedings, OJEC 2001 L 82/1
Table 3.2: National legislation

A. United Kingdom
   A.1 Statutes
      Statutory Instruments Act 1946
      Agriculture Act 1970
      European Communities Act 1972
      Telecommunications Act 1984
      Food Act 1984
      European Communities (Amendment) Act 1986
      Consumers Protection Act 1987
      Food Safety Act 1990
      European Communities (Amendment) Act 1993
      Human Rights Act 1998
      Government of Wales Act 1998
      Scotland Act 1998
      Northern Ireland Act 1999
      Water Environment and Water Services (Scotland) Act 2003

   A.2 Executive Legislation
      European Communities (Designation) Order 1972 (S.I. 1972 No. 1811)
      European Communities (Services of Lawyers) Order 1978 (S.I. 1978 No. 1910)
      Welfare of Battery Hens Regulations 1987 (S.I. 1987 No. 2236)
      Meat Inspection Regulations 1987 (S.I. 1987 No. 2236)
      Feeding Stuffs Regulations 1988 (S.I. 1990 No. 396)
      Fresh Meat and Poultry Meat (Hygiene, Inspection and Examination for Residues) (Charges)
      Regulations 1990 (S.I. 1990 No. 2494)
      Cosmetic Products (Safety) (Amendment) Regulations 1991 (S.I. 1991 No. 447)
      Fresh Meat (Hygiene and Inspection) Regulations 1992 (S.I. 1992 No. 2037)
      Tobacco For Oral Use (Safety) Regulations 1992 (S.I. 1992 No. 3134)
      Immigration (European Economic Area) Order 1994 (S.I. 1994 No. 1895)
      Diseases of Fish (Control) Regulations 1994 (S.I. 1994 No 1447)
      Welfare of Livestock Regulations 1994 (S.I. 1994 No. 3226)
      Plant Protection Products (Amendment) (No. 2) Regulations 1997 (S.I. 1997 No. 2499)
      Plant Protection Products (Amendment) (No. 2) Regulations 1997 (Northern Ireland) (S.R.
      1997 No. 507)
      Feeding Stuffs (Scotland) Regulations 2000 (S.S.I. 2000 No. 453)
Environmental Protection (Controls on Injurious Substances) (Amendment) Regulations 2001 (S.I. 2001 No. 3141)
Feeding Stuffs (Wales) Regulations 2001 (W.S.I. 2001 No. 343)
Plant Health (Amendment) (Wales) Order 2001 (W.S.I. 2001 No. 2500)

B. Belgium

B.1 Statutes
Special Law of 8 August 1980 on the Reform of the Institutions
Law of 4 April 1980 on the delegation of powers to ensure the implementation of the directives of the Council of the European Communities relating to the medical profession, the nursing profession, the paramedical profession, and the veterinary profession, Moniteur belge 21 May 1980
Law on the Sanctioning of Violations of the European Regulations operating in the Market for Wine, Moniteur belge, 19 March 1986
Law of 4 July 1989 concerning the delegation of powers to ensure the implementation of the Directive of the Council of 10 June 1985, Moniteur belge, 13 September 1989
Law on the Reform of Public enterprises, Moniteur belge, 27 March 1991
Law of 10 December 1997 concerning the ban on tobacco advertising, Moniteur belge, 11 February 1998

B.2 Executive Legislation
Royal Decree of 23 October 1989 (Laying Hens), Moniteur belge, 11 November 1989
Royal Decree of 20 March 2001 (Cadmium), Moniteur belge, 1 May 2001
Federal Ministerial Decree of 12 February 1996 (Use of Pesticides), Moniteur belge, 20 April 1996
Federal Ministerial Decree of 8 December 1998 (Use of Pesticides), Moniteur belge, 5 March 1999

C. France

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D. The Netherlands

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Imports and Exports Act 1962 (*In- en Uitvoerwet*), *Staatsblad*, 1962, 295
Pollution of Surface Waters Act 1969 (*Wet Verontreiniging Oppervlaktewateren*), *Staatsblad*, 1969, 536
Environmental Management Act 1979 (*Wet milieubeheer* 1979), *Staatsblad*, 1979, 442
Laying Hens Minimum Requirements Act 1984 (*Wet houdende vaststelling van minimumeisen voor het houden van legkippen*), *Staatsblad*, 1984, 272

D.2 Executive Legislation

Order in Council of 22 July 1988 (Battery Cages Order), *Staatsblad*, 1988, 418
Order in Council of 22 December 1989 (Emission of Titanium Dioxide), *Staatsblad*, 1989, 618
Order in Council of 11 June 1993 (Titanium Dioxide), *Staatsblad*, 1993, 324

E. Other jurisdictions

E.1 Germany

Law on Compensation for Discontinuance of the Production of Milk for Sale (*Gesetz über die Gewährung einer Vergütung für die Aufgabe der Milcherzeugung für die Markt*), *Bundesgesetzblatt I*, p. 942)
Law on Foodstuffs and Essential Goods (*Lebensmittel- und Bedarfsgegenständegesetz*), *Bundesgesetzblatt I*, p. 1945

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Seventeenth Regulation Altering the Cosmetics Regulation (Siebtehnte Verordnung zur Änderung der Kosmetik-Verordnung), Bundesgesetzblatt I, 1990, p. 589
Regulation on the Remuneration for the Discontinuance of Milk Production (Verordnung über die Gewährung einer Vergütung für die Aufgabe der Milcherzeugung für den Markt), Bundesgesetzblatt I, p. 1023

E.2 Luxembourg
Loi du 24 Mars 1989 portant restriction de la publicité en faveur du tabac et de ses produits, et interdiction de fumer dans certains lieux