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

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TABLES 3.1 & 3.2

Tables of Legislation

Table 3.1: EC Legislation

A. Directives

- 74/409/EEC, Directive of the Council on the harmonization of the laws of the Member States relating to honey, OJEC 1974 L 221/10
- 74/649/EEC, Directive of the Council on the marketing of material for the vegetative propagation of the vine produced in third countries, OJEC 1974 L 352/45
- 76/768/EEC, Directive of the Council on the approximation of the laws of the Member States relating to cosmetic products, OJEC 1976 L 262/169
- 77/93/EEC, 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
- 77/388/EEC, Directive of the Council on the harmonization of the laws of the Member States relating to turnover taxes - Common system of value added tax: uniform basis of assessment, OJEC 1977 L 145/1
- 79/531/EEC, Directive of the Council applying to electric ovens Directive 79/530/EEC on the indication by labeling of the energy consumption of household appliances, OJEC 1979 L 145/7
- 84/631/EEC, 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
- 85/511/EEC, Directive of the Council introducing Community measures for the control of foot-and-mouth disease, OJEC 1985 L 315/11
- 85/649/EEC, Directive of the Council prohibiting the use of livestock farming of certain substances having a hormonal action, OJEC 1985 L 382/228
- 86/113/EEC, Directive of the Council laying down minimum standards for the protection of laying hens kept in battery cages, OJEC 1986 L 95/45
- 87/64/EEC, Directive of the Council amending directive 72/461/EEC on health problems affecting intra-community trade in fresh meat and Directive 72/462/EEC on health and veterinary inspections problems upon importation of bovine animals and swine and fresh meat from third countries, OJEC 1987 L 34/52
- 87/137/EEC, Directive of the Commission on 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 1987 L 56/20
- 87/343/EEC, 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
- 87/519/EEC, Directive of the Council amending directive 74/63/EEC on undesirable substances and products in animal nutrition, OJEC 1987 L 304/38
- 88/146/EEC, Directive of the Council prohibiting the use in livestock farming of certain substances having a hormonal action, OJEC 1988 L 70/16
- 88/166/EEC, Directive of the Council complying with the judgement of the Court of Justice in Case 131/86 (annulment of Council Directive 86/113/EEC of 25 March 1986 laying down minimum standards for the protection of laying hens battery cages), OJEC 1988 L 74/83

- 88/301/EEC, Directive of the Commission on competition in the markets for telecommunications terminal equipment, OJEC 1988 L 131/73
- 89/104/EEC, Directive of the Council to approximate the laws of the Member States relating to trade marks, OJEC 1989 L 40/1
- 89/428/EEC, 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
- 89/463/EEC, 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
- 89/662/EEC, Directive of the Council concerning veterinary checks in intra-Community trade with a view to the completion of the internal market, OJEC 1989 L 395/13
- 90/121/EEC, Twelfth Commission Directive 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
- 90/366/EEC, Directive of the Council on the right of residence for students, OJEC 1990 L 180/30
- 90/388/EEC, Directive of the Commission on competition in the markets for telecommunications services, OJEC 1990 L 192/10
- 90/425/EEC, 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
- 90/547/EEC, Directive of the Council on the transit of electricity through transmission grids, OJEC 1990 L 313/30
- 91/132/EEC, Directive of the Council amending Directive 74/63/EEC on undesirable substances and products in animal nutrition, OJEC 1991 L 66/16
- 91/266/EEC, Directive of the Council amending directive 72/461/EEC on health problems affecting intra-community trade in fresh meat and Directive 72/462/EEC on health and veterinary inspections problems upon importation of bovine animals and swine and fresh meat from third countries, OJEC 1991 L 134/45
- 91/296/EEC, Directive of Council on the transit of natural gas through grids, OJEC 1991 L 147/37
- 91/414/EEC, Directive of the Council concerning the placing of plant protection products on the market, OJEC 1991 L 320/1
- 92/12/EEC, 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
- 92/59/EEC, Directive of the Council on general product safety, OJEC 1992 L 228/24
- 92/102/EEC, Directive of the Council on the identification and registration of animals, OJEC 1992 L 355/32
- 92/112/EEC, 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

- 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
- 93/96/EEC, Directive of the Council on the right of residence for students, OJEC 1993 L 317/59
- 93/104/EC, Directive of the Council concerning certain aspects of the organization of working time, OJEC 1993 L 307/18
- 94/19/EC, Directive of the European Parliament and of the Council on deposit-guarantee schemes, OJEC L 135/5
- 94/43/EC, Directive of the Council establishing Annex VI to Directive 91/414/EEC concerning the placing of plant protection products on the market, OJEC 1994 L 227/31
- 94/46/EC, Directive of the Commission amending Directive 88/301 and Directive 90/388 in particular with regard to satellite communications, OJEC 1994 L 268/15
- 95/34/EC, Directive of the Commission adapting to technical progress Annexes II, III, VI and VII to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products, OJEC 1995 L 167/19
- 96/22/EC, Directive of the Council concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC, OJEC 1996 L 125/3
- 97/57/EC, Directive of the Council establishing Annex VI to Directive 91/414/EEC concerning the placing of plant protection products on the market, OJEC 1997 L 265/87
- 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
- 98/43/EC, Directive 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, OJEC 1998 L 213/9
- 98/44/EC, Directive of the European Parliament and the Council on the legal protection of biotechnological inventions, OJEC 1998 L 213/13
- 98/93/EC, Directive of the Council amending Directive 68/414/EEC imposing an obligation on Member States of the EEC to maintain minimum stocks of crude oil and/or petroleum products, OJEC 1998 L 358/100
- 98/99/EC, Directive of the Council amending Directive 97/12/EC amending and updating Directive 64/432/EEC on health problems affecting intra-Community trade in bovine animals and swine, OJEC 1998 L 358/107
- 1999/51/EC, Directive of the Commission adapting to technical progress for the fifth time Annex I to Council Directive 76/769/EEC on the approximations 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 (tin, PCP and cadmium), OJEC 1999 L 142/22

- 1999/62/EC, Directive of the European Parliament and the Council on the charging of heavy goods vehicles for the use of certain infrastructures, OJEC L 187/42
- 1999/74/EC, Directive of the Council laying down minimum standards for the protection of laying hens, OJEC 1999 L 203/53
- 2000/11/EC, Directive of the Commission adapting to technical progress annex II to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (Text with EEA relevance), OJEC 2000 L 65/22
- 2000/34/EC, Directive of the European Parliament and of the Council amending Council Directive 93/104/EC concerning certain aspects of the organization of working time to cover sectors and activities excluded from that Directive, OJEC 2000 L 195/41
- 2001/95/EC, Directive of the European Parliament and of the Council on general product safety, OJEC 2002 L 11/4
- 2001/110/EC, Directive of the Council of relating to honey, OJEC 2002 L 10/47
- 2002/2/EC, Directive of the European Parliament and the Council amending Council Directive 79/373/EEC on the circulation of compound feeding stuffs and repealing Commission Directive 91/357/EEC, OJEC 2002 L 63/23
- 2002/11/EC, Directive of the Council amending Directive 68/193/EEC on the marketing of material for the vegetative propagation of the vine and repealing Directive 74/649/EEC, OJEC 2002 L 53/20
- 2002/21/EC, Directive of the European Parliament and the Council on a common regulatory framework for electronic communications networks and services (Framework Directive), OJEC 2002 L 108/33
- 2002/40/EC, Directive of the Commission implementing Council Directive 92/75/EEC with regard to energy labeling of household electric ovens (Text with EEA relevance), OJEC 2002 L 128/45
- 2003/33, Directive 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, OJEC 2003 L 152/16

B. Regulations

- 1408/71, Regulation of the Council on the application of social security to employed persons and their families moving within the Community, OJEC 1971 L 149/2
- 3023/77, Regulation of the Council on certain measures to put an end to abuses resulting from the sale of agricultural products on board ship, OJEC 1977 L 358/2
- 3427/89/EEC, 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, OJEC 1989 L 331/1
- 1249/92, 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, OJEC 1992 L 136/28

- 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, 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
- 141/2000, Regulation of the European Parliament and of the Council on orphan medicinal products, OJEC 2000 L 18/1
- 1049/2001, Regulation of the European Parliament and of the Council on public access to European Parliament, Council and Commission documents, OJEC 2001 L 145/43

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
- 93/324/EEC, Decision of the Council concerning the extension of the benefit of the provisions of Directive 90/531/EEC in respect of the United States, OJEC 1993 L 125/54
- 96/239/EC, Decision of the Commission of 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
- 01/246/EC, Decision of the Commission laying down the conditions for the control and eradication of foot-and-mouth disease in the Netherlands in application of Article 13 of Directive 85/511/EEC, OJEC 2001 L 88/21
- 03/641/EEC, Decision of the Commission on the 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

2002/475/JHA, Council Framework Decision on combating terrorism, OJEC 2002 L 164/3
 2002/584/JHA, Council Framework Decision on the European arrest warrant and the surrender procedures between Member States, OJEC 2002 L 190/1

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 2000
 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. 2020)
 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. 2126)
 The Satellite Communications Services Regulations 1995 (S.I. 1995 No. 1947)
 Plant Protection Products Regulations (Northern Ireland) 1995 (S.R. 1995 No. 371)
 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)
- Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2002 (S.S.I. 2002 No. 445)
- Products of Animal Origin (Third Country Imports)(Wales) Regulations 2002 (W.S.I. 2002 No. 1387)

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 28 July 1987 implementing regulations and directives in compliance with Article 87 of the EEC Treaty, *Moniteur belge*, 24 September 1987
- 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 24 December 1993 on public procurement, *Moniteur belge*, 19 July 1994
- 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

C.1 Statutes

- Loi No. 90-1259 of 31 December 1990, *Journal Officiel*, 5 January 1991, p. 219
- Loi No. 93-914 of 19 July 1993, *Journal Officiel*, 20 July 1993, p. 10200
- Loi No. 95-877 of 3 August 1995, *Journal Officiel*, 4 August 1995, p. 11664
- Loi No. 97-283 of 27 March 1997, *Journal Officiel*, 28 March 1997, p. 4831
- Loi No. 01-1011 of 5 November 2001, *Journal Officiel*, 7 November 2002, p. 17519

C.2 Executive Legislation

- Ordonnance No. 2001-273, *Journal Officiel*, 30 March 2001, p. 5075
 Décret No. 98-1190, *Journal Officiel*, 26 December 1998, p. 19580
 Décret No. 2000-668, *Journal Officiel*, 28 June 2000, p. 11073
 Décret No. 2001-451, *Journal Officiel*, 27 May 2001, p. 8505
 Décret No. 2001-1000, *Journal Officiel*, 27 May 2001, p. 17358
 Décret No. 2004-187, *Journal Officiel*, 28 February 2004, p. 4095

D. The Netherlands*D.1 Statutes*

- Authorization Act 1960 (*Machtigingswet 1960*), *Staatsblad*, 1960, 262
 Imports and Exports Act 1962 (*In- en Uitvoerwet*), *Staatsblad*, 1962, 295
 Pollution of Surface Waters Act 1969 (*Wet Verontreiniging Oppervlaktewateren*), *Staatsblad*, 1969, 536
 Sanctions Act 1977 (*Sanctiewet 1977*), *Staatsblad*, 1980, 93
 Meat Inspection Act 1978 (*Vleeskeuringswet*), *Staatsblad*, 1978, 622
 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
 General Administrative Code 1992 (*Algemene wet Bestuursrecht 1992*), *Staatsblad*, 1992, 315
 Housing Act 1992 (*Huisvestingswet 1992*), *Staatsblad*, 1992, 548
 EC Framework Act on Public Tenders 1993 (*Raamwet EEG-voorschriften aanbestedingen*), *Staatsblad*, 1993, 212
 Traffic Regulation Act 1994 (*Wegenverkeerswet*), *Staatsblad*, 1994, 475
 Electricity Act 1998 (*Elektriciteitswet 1998*), *Staatsblad*, 1998, 427
 Telecommunications Act 1998 (*Telecommunicatiewet*), *Staatsblad*, 1998, 610
 Aliens Act 2000 (*Nieuwe Vreemdelingenwet 2000*), *Staatsblad*, 2000, 495

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 23 June 1992 (Aliens Decree), *Staatsblad*, 1992, 329
 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

Seventeenth Regulation Altering the Cosmetics Regulation (*Siebzehnte 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