## mtomto

# Contents

Preface vii Acknowledgments ix Table of Statutes xxv Table of EC Legislation xxvii List of Cases xxxiii

## CHAPTER ONE THE EUROPEAN COMMUNITY: AN EVOLVING UNION

- 1 The breadth of Community activities
- 2 The fluidity of developments 3
- 3 The diversity of influences 4

## Section One The Goals and Models to be Pursued

[A1] Treaty establishing the European Economic Community 6 [A2] Preamble to the Maastricht Treaty on European Union 7 [A3] Maastricht Treaty: common provisions of the European Union 8 [A4] Maastricht Treaty provisions amending the EEC Treaty with a view to establishing the European Community 10 [A5] The Member States' duty of solidarity: Article 5 EC 11 [A6] Title XI of EC Treaty: consumer protection 12 [A7] Title XVI of EC Treaty: environment 12 [A8] Maastricht Protocol on social policy 13 [A9] Maastricht Agreement on social policy 14 [A10] Title IX of EC Treaty: culture 17 [A11] Written Question No 1285/91 by Mr Leen van der Waal (NI) to the Commission of the European Communities 18 [A12] Answer given by Mr Dondelinger on behalf of the Commission 18 [A13] Title XIV of EC Treaty: economic and social cohesion 18 [A14] Title VI of EC Treaty: economic and monetary policy 19 [A15] Maastricht Treaty: provisions on a common foreign and security policy 21 [A16] Maastricht Treaty: provisions on co-operation in the fields of justice and home affairs 23

#### Contents X11

#### **Section Two Establishing the Community Dimension** 26

[A17] Portugal v Morais 26

- [A18] Council of the City of Stoke-on-Trent, Norwich City Council v B & Q plc 28
- [A19] Society for the Protection of Unborn Children Ireland Ltd v Grogan 32
- Groener v Minister for Education and the City of Dublin Vocational A20 Educational Committee 35

[A21] Konstantinidis v Stadt Altensteig 38 [A22] EC Treaty, Article 3b 42 [A23] A Toth: 'The principle of subsidiarity in the Maastricht Treaty' 42 [A24] Debates of the European Parliament No 3-424/117 47 [A25] Conclusions of the Presidency, European Council in Edinburgh 52 56 [A26] Conclusions of the Presidency, European Council in Edinburgh [A27] Hella Pick: 'Hurd declares war on "Eurocrap" 57 [A28] Foreign Affairs Committee: Appendix 4. Memorandum submitted by Martin Howe 57 [A29] Editorial: (1993) 30 Common Market Law Review 241 64

**Section Three** The Pressures and Agents for Change 66

[A30] Article 8a EC (renumbered as Article 7a by Maastricht Treaty) 66 [A31] Article 100 EC 66 [A32] Article 100 as amended by Maastricht 66

- [A33] Article 100a EC 66
- [A34] Article 100a(1) as amended by Maastricht 67
- [A35] Article 235 EC (unaffected by Maastricht Treaty) 67
- [A36] Article 236 EC (repealed by Maastricht Treaty) 67
- [A37] Criminal Proceedings against Gourmetterie Van den Burg 68 [A38] Commission v Council 70
- [A39] Freight Transport Association Ltd v London Boroughs Transport Committee 74
- [A40] S Weatherill: 'Regulating the internal market: result orientation in the House of Lords' 76
- [A41] S Weatherill: 'Regulating the internal market: result orientation in the House of Lords' 76
- [A42] Opinion on the proposal for a Council Directive concerning the protection of purchasers in contracts relating to the utilisation of immovable property on a timeshare basis 78

[A43] Proposal for a Council Directive on the return of cultural objects unlawfully removed from the territory of a Member State 80

- [A44] House of Lords Select Committee on the European Communities, Session 1992–93 6th Report (HL Paper 17): control of national treasures 81
- [A45] Amended proposal for a Council Directive on the protection of individuals with regard to the processing of personal data and on the free movement of such data 83 [A46] Re students' rights: European Parliament (EC Commission intervening) v EC Council (United Kingdom and The Netherlands intervening) 89

#### Contents X111

[A47] H Sevenster: 'Criminal Law and EC Law' 91 [A48] Council Regulation 302/93 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction 93 [A49] Resolution A3-0336/92 of the European Parliament on the entry into force of the Schengen Agreements 96

**Section Four** Signposts and Directions 100 [A50] EC Treaty Part Two 100 [A51] Conclusions of the Presidency, European Council in Edinburgh 101 [A52] House of Lords Select Committee on the European Communities, Session 1992-93 3rd Report (HL Paper 10): human rights re-examined 102

- [A53] Opinion of the Court of Justice on Convention No 170 of the International Labour Organisation concerning safety in the use of chemicals at work 105
- [A54] Article 237 EEC (repealed by the Maastricht Treaty) 109 [A55] House of Lords Select Committee on the European Communities,
- Session 1992–93 1st Report (HL Paper 5): enlargement of the Community 109
- [A56] Opinion 1/91 re the draft Treaty on a European Economic Area 112
- [A57] Opinion 1/92 re the draft Treaty on a European Economic Area 115

[A58] Martin Holland: European Community Integration 117 [A59] House of Commons Foreign Affairs Committee Session 1992–93, First Report (Interim Report (HC Paper 205): Europe after Maastricht) 121

11-11日本 11日本日本のでいた。

MALL STATES STATES

CALLER ST MARKED MALL 1

## CHAPTER TWO THE EUROPEAN CONSTITUTION 127

The creation of a European constitution 127

**Section One** The Government of the Community 131 THE BURGERS IN CAR TRADES AND STATE The European Parliament 131

- The Council 133
- 3 The Commission 135
- The Economic and Social Committee and the Committee of the Regions 4 135

[B1] Direct elections to the European Parliament 137 [B2] The European Parliament, Treaty articles 139 [B3] Political groups in the European Parliament, Rules of Procedure 143

[B4] Political groups in the European Parliament, January 1993 144 [B5] European Parliament, Rules of Procedure 144

#### xiv Contents

- [B6] Standing Committees of the European Parliament, Rules of Procedure 150
- [B7] The Council, Treaty articles 152
- [B8] Council Rules of Procedure 154
- [B9] Council Directorate General B: Agriculture and Fisheries 157
- [B10] The Commission, Treaty articles 157
- [B11] Members of the Commission (6 January 1989 to 5 January 1993) 159
- [B12] List of Commission Directorates General 161
- [B13] Responsibilities of certain Directorates General 162
- [B14] The Economic and Social Committee, Treaty articles 163

[B15] A session of the Economic and Social Committee (Bulletin of the European Communities, 1/2, 1992) 164
[B16] The Committee of the Regions, Treaty articles inserted by the Treaty of Union 166

Section Two Community Legislation 168

1

- 1 Community competence to legislate 168
- 2 Secondary legislative measures 168
- 3 The Community legislator 170

[B17] Weingut Gustav Decker KG v Hauptzollamt Landau 173
 [B18] Commission decision on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia 173

- [B19] Secondary legislation, Treaty articles 174
- [B20] The Luxembourg Accords 181
- [B21] The legislative process European Parliament Rules of Procedure 181
- [B22] Commission proposal for a Directive on Toy Safety 186
- [B23] Opinion of the Economic and Social Committee 188
- [B24] The first reading in the European Parliament 189
- [B25] Legislative resolution of the European Parliament 191
- [B26] Recommendation to the Parliament on the Council's common position 192
- [B27] The second reading in the European Parliament 193
- [B28] The Council's reaction 195

Section Three The European Court of Justice 197

- 1 Introduction 197
- 2 Jurisdiction 197
- 3 Composition 198
- 4 The Court of First Instance 199
- 5 General procedure 199
- 6 Legal representation and legal aid 200
- 7 The language of the case 201
- 8 Special procedures 202

[B29] The Court of Justice, Treaty articles 204[B30] Rules of Procedure of the Court of Justice 211

#### Contents xv

Section Four Community Case Law 218

- 1 Introduction 218
- 2 Interpretation 218
- 3 Community case law 220
- [B31] Kledingverkoopbedrijf de Geus en Uitdenbogerd v Robert Bosch GmbH 225

[B32] Jeanne Airola v Commission of the European Communities 225 [B33] Commission of the European Communities v Council of the European Communities 227 [B34] Merkur Außenhandel GmbH & Co KG v Commission of the European Communities 227 [B35] GR Amylum v Council of the European Communities 229 [B36] Bela-Mühle Josef Bergmann KG v Grows-Farm GmbH & Co KG 232 [B37] Walter Rau Lebensmittelwerke v Commission of the European Communities 236 [B38] Transocean Marine Paint Association v Commission of the European Communities 237 [B39] Hoffman-La Roche & Co AG v Commission of the European Communities 239 [B40] Joint Declaration by the European Parliament, the Council and the Commission 240 [B41] Single European Act, preamble 240 [B42] Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel 240

[B43] Erich Stauder v City of Ulm, Sozialamt 242
[B44] J Nold, Kohlen- und Baustoffgroßhandlung v Commission of the European Communities 243
[B45] Vivien Prais v Council of the European Communities 246
[B46] Liselotte Hauer v Land Rheinland-Pfalz 248

TRANSFER STRAND ST

Section Five Judicial Control of Legislative and Administrative Action 250

- 1 Introduction 250
- 2 Community acts 251
- 3 Who can bring an action 251
- 4 Time limits 254
- 5 Grounds 255
- 6 The plea of illegality 256

[B47] Commission of the European Communities v Council of the

European Communities 258

- [B48] International Business Machines v Commission of the European Communities 259
- [B49] Parti écologiste 'Les Verts' v European Parliament 259
  [B50] European Parliament v Council of the European Communities 260
  [B51] Confédération nationale des producteurs de fruits et légumes v Council of the European Economic Community 263
  [B52] Koninklijke Scholten Honig v Council and Commission of the European Communities 264

#### xvi Contents

- [B53] Vittorio Salerno and others v Commission and Council of the European Communities 267
- [B54] Plaumann & Co v Commission of the European Economic Community 267
- [B55] AE Piraiki-Patraiki and others v Commission of the European Communities 268

[B56] Société CAM SA v Commission of the European Communities 273

[B57] Allied Corporation and others v Commission of the European Communities 274

[B58] Commission of the European Communities v Council of the

European Communities 274

- [B59] Government of the Federal Republic of Germany v Commission of the European Economic Community 279
- [B60] August Töpfer & Co GmbH v Commission of the European
  - Communities 279
- [B61] Luisa Sabbatini (née Bertoni) v European Parliament 280
- [B62] Agence Européenne d'Interims SA v Commission of the European Communities 281

sister for at the second of the spect of the state of the second of the second of the second of the

Alt i training the state

[B63] Franco Giuffrida v Council of the European Communities 281 [B64] Max Gutmann v Commission of the European Atomic Energy Community 282

#### **CHAPTER THREE COMMUNITY LAW AND THE MEMBER STATES** 287

The supremacy of Community law 287

#### **Section One Enforcing Community Obligations** 290

- [C1] Sixth Annual Report to the European Parliament on Commission monitoring of the application of Community Law, 1988 295 [C2] Council Directive on the protection of animals during transport 297 [C3] Commission of the European Communities v Ireland 299 [C4] Council Decision introducing a Community financial measure for the eradication of brucellosis in sheep and goats 300
- [C5] Commission decision approving the plan for the eradication of brucellosis in sheep and goats presented by the Republic of Portugal 301
- [C6] Commission of the European Communities v Denmark 302 [C7] Commission of the European Communities v Federal Republic of Germany 303

[C8] Commission of the European Communities v Federal Republic of Germany 305

[C9] Commission of the European Communities v Italian Republic 308 [C10] Commission of the European Communities v United Kingdom 310 [C11] Commission of the European Communities v Italian Republic 312

## **Section Two The Reference Procedure** 314

in the second second

Introduction 314 2 The provisions which may be referred to the Court of Justice 314

### Contents xvii

- 3 The meaning of 'court or tribunal' 315 4 The power or obligation to refer 315 5 The decision to refer 317
- [C12] Amministrazione delle Finanze dello Stato v Società Petrolifera Italiana SpA (SPI) 318
- [C13] Flaminio Costa v ENEL 318
- [C14] Foto-Frost v Hauptzollamt Lübeck-Ost 320
- [C15] Sàrl Maïseries de Beauce v Office National Interprofessionnel des Céréales (ONIC) 321
- [C16] Amministrazionne delle Finanze dello Stato v Simmenthal SpA 322
- [C17] Massam Dzodzi v Belgian State 323 [C18] Rheinmühlen-Düsseldorf v Einfuhr- und Vorratsstelle für Getreide und Futtermittel 325 [C19] Srl CILFITf and Lanificio di Gavardo Spa v Ministry of Health 327 [C20] Marianne Wörsdorfer, née Koschniske v Raad van Arbeid 330 [C21] Pasquale Foglia v Mariella Novello 331

Section Three Individual Protection 333

- [C22] NV Algemene Transport-en Expeditie Onderneming van Gend & Loos v Nederlandse administratie der belastingen 338
- [C23] Gebrielle Defrenne v Société Anonyme Belge de Navigation Aérienne Sabena 340

[C24] Amministrazione delle Finanze dello Stato v Simmenthal SpA 344

[C25] Franz Grad v Finanzamt Traunstein 345

- [C26] Pubblico Ministero v Tullio Ratti 346
- [C27] MH Marshall v Southampton and South West Hampshire Area Health Authority (Teaching) 348
- [C28] Fratelli Costanzo v Comune di Milano 352
- [C29] Sabine von Colson and Elizabeth Kamann v Land Nordrhein-Westfalen 353
- [C30] Criminal proceedings against Kolpinghuis Nijmegen BV 357
- [C31] Marleasing SA v La Comercial Internacional de Alimentación SA 359
- [C32] Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary 364
- [C33] Francovich, Bonifaci (and others) v Republic of Italy 369

**Section Four** The Incorporation of Community Law (the United Kingdom) 376

[C34] Commission Opinion of 19 January 1972 379 [C35] The European Communities Act 1972 [as amended] 379 [C36] Invalid Care Allowance 381 [C37] Consumer Protection Act 1987 384 [C38] Social Security Commissioner Decision R(A) 2/78 384 [C39] Customs and Excise Commissioners v Samex ApS 386 [C40] R v Henn 386 [C41] R v Plymouth Justices 387 [C42] Foster v British Gas plc 390 Ústřední knihovna [C43] Pickstone v Freemans plc 392

právnické fakulty MU Brno

#### xviii Contents

[C44] Bourgoin SA v Ministry of Agriculture 393

[C45] The Bourgoin settlement 395

[C46] Kirklees Metropolitan Borough Council v Wickes Building Supplies Ltd 395

[C47] Factortame Ltd v Secretary of State for Transport 397
[C48] R v Secretary of State for Transport, ex p Factortame (No 2) 401
[C49] Factortame Ltd v Secretary of State for Transport (No 2) 404

#### **Section Five**

The Incorporation of Community Law (France) 407

[C50] Article 55 of the 1958 French Constitution 411
[C51] Syndicat Général de Fabricants de Semoules de France 411
[C52] Comment by M Lagrange 413
[C53] Administration des Douanes v Société Cafés Jacques Vabre 413
[C54] Von Kempis v Geldof 415
[C55] Ministre de l'Interieur v Cohn-Bendit 416
[C56] Société International Sales and Import Corporation 417
[C57] Société à Responsabilité Limitée Cabinet Mantout 419
[C58] Rassemblement des opposants à la chasse (ROALC) 420
[C59] Nicolo 421
[C60] Boisdet 425
[C61] SA Rothmans 426

**CHAPTER FOUR** 

## THE EUROPEAN CITIZEN 429

Section One Workers 429

Introduction 429

[D1] EC Treaty, Article 48 432

[D2] R v Vera Ann Saunders 432

[D3] Moser v Land Baden-Württemberg 433

[D4] Mrs MKH Hoekstra (née Unger) v Bestuur der Bedrijfsvereniging voor Detailhandel en Ambachten 433

[D5] DM Levin v Staatssecretaris van Justitie 434

[D6] Kempf v Staatssecretaris van Justitie 438

[D7] Deborah Lawrie-Blum v Land Baden-Württemberg 439

[D8] I Bettray v Staatssecretaris van Justitie 440

- [D9] Directive 68/360 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families 442
- [D10] Lynne Watson and Allessandro Belmann 445
- [D11] Rv Stanislaus Pieck 447
- [D12] Commission of the European Communities v Kingdom of Belgium 450
- [D13] R v The Immigration Appeal Tribunal, ex parte Gustaff Desiderius Antonissen 451
- [D14] Regulation 1612/68 on freedom of movement for workers within the Community 454

próvnické fokulty MU

0018

#### Contents xix

[D15] Anita Groener v Minister for Education and the City of Dublin Vocational Education Committee 458 [D16] Giovanni Maria Sotgiu v Deutsche Bundespost 460 [D17] Anita Cristini v Société nationale des chemins de fer français 461 [D18] Ministère Public v Gilbert Even 462 [D19] Francesco Reina and Letizia Reina v Landeskreditbank Baden-Württemberg 463 [D20] Carmela Castelli v Office National des Pensions pour Travailleurs Salariés 464 [D21] Maria Frascogna v Caisse des dépôts et consignations 465

- [D22] Ministère public v Robert Heinrich Maria Mutsch 465
- State of the Netherlands v Ann Florence Reed 466 [D23]
- [D24] Sylvie Lair v Universität Hannover 467
- [D25] Centre public d'aide sociale de Courcelles v Marie-Christine Lebon 471
- [D26] Aissatou Diatta v Land Berlin 473
- [D27] Commission of the European Communities v Federal Republic of Germany 474
- [D28] Donato Casagrande v Landeshauptstadt München 477 [D29] Regulation 1251/70 on the right of workers to remain in the territory of a Member State after having been employed in that state 478

**Section Two** Establishment 482

[D30] The right of establishment, EC treaty provisions 484 [D31] Reyners v Belgium 485 [D32] Thieffry v Conseil de L'Ordre des Avocats à la Cour de Paris 486 [D33] UNECTEF v Heylens 487 [D34] Vlassopoulou 490 [D35] Ramrath v Ministre de la Justice 491 [D36] Directive 73/48 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services 496 [D37] Ministerio Fiscal v Angel López Brea and Carlos Hidalgo Palacios 497

- [D38] R v HM Treasury and Commissioners of Inland Revenue, ex parte Daily Mail and General Trust plc 498
- [D39] R v Inland Revenue Commissioners, ex parte Commerzbank AG 500

[D40] Directive 89/48 on a general system for the recognition of higher education diplomas awarded on completion of professional education and training of at least three years' duration 501

**Section Three Derogations from the Free Movement Principle** 511

Public policy, public security and public health 511 2 Public service and official authority 511

[D41] The public policy derogation, Treaty provisions 513

#### xx Contents

[D42] Directive 64/221 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health 513

- [D43] Yvonne van Duyn v Home Office (No 2) 516
- [D44] Carmelo Angelo Bonsignore v Oberstadtdirektor der Stadt Köln 520

[D45] Roland Rutili v Minister for the Interior 521
[D46] Jean Noël Royer 523
[D47] R v Pierre Bouchereau 527

[D48] Rezguia Adoui v Belgian State and City of Liège and Dominique Cornvaille v Belgian State 530

[D49] R v Secretary of State for Home Affairs, ex parte Santillo 531 [D50] Massam Dzodzi v Belgian State 537

- [D51] Public service and official authority, Treaty provisions 539[D52] Gioyanni Maria Sotgiu v Deutsche Bundespost 540
- [D53] Commission of the European Communities v The Kingdom of Belgium 541
- [D54] Commission of the European Communities v The Kingdom of Belgium 544
- [D55] Pilar Allué and Carmel Mary Coonan v Università degli studi di Venezia 545

[D56] Jean Reyners v Belgian State 545

[D57] Commission of the European Communities v Hellenic Republic 548

## Section Four Social Policy 550

Introduction 550

[D58] EC Treaty provisions on social policy 552
[D59] Defrenne v Sabena No 2 553
[D60] Ninon Colneric: 'The prohibition on discrimination against women under Community law' 554

[D61] C McCrudden: 'The effectiveness of European equality law: national mechanisms for enforcing gender equality law in the light of European requirements' 566

[D62] Alfred Stoeckel 568

[D63] Marshall v Southampton and South West Hampshire Area Health Authority (No 2) 570

[D64] Ten Oever v Stichting Bedrijfspensioenfonds voor het Glazenwassersen Schoonmaakbedrijf, Moroni v Firma Collo GmbH, Neath v Hugh Steeper Ltd, Coloroll Pension Trustees Ltd v Russell, Mangham and others 572

- [D65] Catherine Barnard: 'A social policy for Europe: Politicians 1: O Lawyers' 576
- [D66] House of Lords Select Committee on the European Communities 1992–93 Session 3rd Report: Human rights re-examined.
   Memorandum by Professor Bob Hepple of University College, London 581
- [D67] Elaine Whiteford: 'Social Policy after Maastricht' 588

#### Contents xxi

**Section Five** 592 Citizenship Introduction 592

[D68] Cowan v Trésor Public 593 [D69] Gravier v City of Liège 595 [D70] Commission for the European Communities: New prospects for Community cultural action 597 [D71] Elizabeth Meehon: Citizenship and the European Community 601 [D72] Ursula Vogel: 'Is citizenship gender-specific?' 606

[D73] Carlos Closa: 'The concept of citizenship in the Treaty on European Union' 609 [D74] Juliet Lodge: 'Towards a political union?' 614 Postscript 616

#### **CHAPTER FIVE** THE EUROPEAN TRADER 619

**Section One Creation of the Single Market in Goods and Services** 625

[E1] Frank McDonald: 'The Single European Market' 625 [E2] Articles 9 and 12 of the EC Treaty 630 [E3] Netherlands v Bakker Hillegom 631

[E4] Taxation under Article 95 of the EC Treaty 632

- [E5] Co-operativa Co-Frutta Srl v Amministrazione delle Finanze dello Stato 632
- [E6] Humblot v Directeur des services fiscaux 633
- [E7] Commission v Greece 635
- [E8] John Walker & Sons Ltd v Ministeriet for Skatter og Afgifter 636
- [E9] Commission v United Kingdom 637
- [E10] Commission v Belgium ('taxation of wine and beer') 641
- [E11] Free Movement of Goods, Articles 30–36 of the EC Treaty 643
- [E12] Procureur du Roi v Dassonville 643
- [E13] PB Groenveld BV v Produktschap voor Vee en Vlees 644
- [E14] EC Commission v Ireland ('buy Irish') 645
- [E15] R v Royal Pharmaceutical Society of Great Britain, ex parte Association of Pharmaceutical Importers 646
- [E16] EC Commission v France ('franking machines') 647
- [E17] Openbaar Ministerie of the Netherlands v Van Tiggele 649
- [E18] Blesgen v Belgium 650
- [E19] Quietlynn and Richards v Southend-on-Sea Borough Council 651 [E20] Keck and Mithouard 652
- [E21] Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein ('Cassis de Dijon') 653
- [E22] EC Commission v Ireland ('Irish souvenirs') 655
- [E23] Oosthoek's Uitgeversmaatschappij BV 657
- [E24] Cinéthèque and others v Fédération Nationale des Cinémas Français 659

[E25] GB-INNO-BM v Confédération du Commerce Luxembourgeoise 662

#### xxii Contents

- [E26] Commission v Denmark ('drinks containers') 665
- [E27] SCP Boscher, Studer et Fromentin v SA British Motors Wright and others 667
- [E28] Re Imports of Waste: EC Commission v Belgium 669
- [E29] Rv Henn and Darby 676
- [E30] Conegate Ltd v HM Customs and Excise 677
- [E31] Cullet v Centre Leclerc, Toulouse 679
- [E32] Commission v Germany ('beer purity') 681
- [E33] Bellon 683
- [E34] R v Royal Pharmaceutical Society of Great Britain, ex parte

Association of Pharmaceutical Importers 686

- [E35] Joined Cases C-1/90 and C-176/90 Aragonesa de Publicidad Exterior SA and Publivía SAE v Departamento de Sanidad y Seguridad Social de la Generalitat de Cataluña 687
- [E36] Centrafarm BV v Sterling Drug Inc 690
- [E37] Dansk Supermarked A/S v A/S Imerco 692
- [E38] Article 100a 694
- [E39] A McGee and S Weatherill: 'The evolution of the single market harmonisation or liberalisation' 694
- [E40] R v Secretary of State for Health, ex parte Gallaher Ltd and others 702
- [E41] D Chalmers: 'Free movement of goods within the European Community: an unhealthy addiction to Scotch Whisky?' 707
- [E42] N Reich: 'Competition between legal orders: a new paradigm of EC Law?' 711
- [E43] Du Pont de Nemours Italiana SpA v Unità sanitaria locale No 2 di Carrara 714
- [E44] José Maria Fernández Martin and Oliver Stehmann: 'Product market integration versus regional cohesion in the Community' 716
  [E45] Articles 50, 60 and 56 of the EC Treasty, 719
- [E45] Articles 59, 60 and 56 of the EC Treaty 718 [E46] Commission v Greece ('tourist guides') 719
- [E47] Stichting Collectieve Antennevoorziening Gouda and others v Commissariaat voor de Media 722

Section Two Competition Policy 729

[E48] EC Commission: XXIInd Report on Competition Policy 729
 [E49] The EC Treaty framework 731

- [E50] Re Wood Pulp 732
- [E51] Re the Polypropylene Cartel: Hercules Chemicals NV v Commission NV SA 739
  [E52] Jan Peters: 'The rule of reason revisited: prohibition on restraints of competition in the Sherman Act and the EEC Treaty' 742
  [E53] Consten and Grundig v Commission 743
  [E54] Metro v Commission 745
  [E55] Metro v Commission (No 2) 746
  [E56] Pronuptia 747
  [E57] Ford v Commission 749
  [E58] Åhlström Osakeyhtiö and others v EC Commission (Wood Pulp) 750
  [E59] Regulation No 17/62, First Regulation implementing Articles 85 and 86 of the EEC Treaty 754

#### Contents xxiii

- [E60] JJZwartveld and others 760
- [E61] Delimitis v Henninger Bräu AG 761
- [E62] Automec Srl v Commission 765
- [E63] Commission Notice on co-operation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty 769
- [E64] Europemballage Corpn and Continental Can Co Inc v Commission 775
- [E65] Ahmed Saeed Flugreisen v Zentrale zur Bekämpfung unlauteren Wettbewerbs 776
- [E66] Tetra Pak Rausing SA v Commission 777
- [E67] United Brands v Commission 779

[E68] Michelin v Commission 781 [E69] Re Italian Flat Glass 783 [E70] Hugin v Commission 785 [E71] AKZO Chemie BV v EC Commission 788[E72] Commercial Solvents v Commission 791 [E73] BP v Commission 792 [E74] Volvo v Veng 795 [E75] Independent Television Publications Ltd v Commission 796 [E76] British Midland Airways Ltd v Aer Lingus plc 801 [E77] R Subiotto: 'The right to deal with whom one pleases under EEC competition law: a small contribution to a necessary debate' 804 [E78] Council Regulation 4064/89 on the control of concentrations between undertakings 807 [E79] Sir Leon Brittan: 'The law and policy of merger control in the EEC' 815

 [E80] EC Commission: IInd Report on Competition Policy 817
 [E81] Commission Decision of 22 July 1992 relating to a proceeding under Council Regulation 4064/89 (Case No IV/M 190 – Nestlé/Perrier) 818

- [E82] Aidan Robertson: 'Competition policy or industrial policy?' 824[E83] EC Treaty provisions on state intervention 826
- [E84] France, Italy and United Kingdom v Commission 828
- [E85] Pubblico Ministero v Manghera 831
- [E86] France v Commission ('telecommunications terminal equipment') 831
- [E87] Bodson v Pompes funèbres des régions libérées 837
- [E88] Höfner & Elser v Macrotron GmbH 841
- [E89] ERT v Dimotiki 843
- [E90] Corbeau 846
- [E91] C-D Ehlermann: 'Managing monopolies: the role of the state in controlling market dominance in the European Community' 847
  [E92] Belgium v Commission (Re Tubemeuse) 850
  [E93] Commission Communication to Member States on the application of Articles 92 and 93 of the EEC Treaty and Article 5 of Commission Directive 80/723 to public undertakings in the manufacturing sector 852
  [E94] France v Commission (Boussac) 853
  [E95] British Aerospace plc and Rover Group Holdings plc v Commission 861
  [E96] Fédération Nationale du Commerce Extérieur des Produits Alimentaires and others v France 863

#### xxiv Contents

[E97] Malcolm Ross: 'Beyond Francovich' 864 Index 871 .