

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

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

Section One The Goals and Models to be Pursued 6

[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

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
- [A20] Groener v Minister for Education and the City of Dublin Vocational 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
- [A26] Conclusions of the Presidency, European Council in Edinburgh 56
- [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

- [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

CHAPTER TWO

THE EUROPEAN CONSTITUTION 127

- The creation of a European constitution 127

Section One

The Government of the Community 131

- 1 The European Parliament 131
- 2 The Council 133
- 3 The Commission 135
- 4 The Economic and Social Committee and the Committee of the Regions 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

- [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 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

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

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

- [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
- [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

1 Introduction 314

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

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] Amministrazione 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
 [C43] Pickstone v Freemans plc 392

- [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 Semeuses 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 Alessandro Belmann 445
- [D11] R v 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

- [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
- [D23] State of the Netherlands v Ann Florence Reed 466
- [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

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

- [D41] The public policy derogation, Treaty provisions 513

- [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 Glazenwassers en 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

Section Five**Citizenship 592****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

- [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] R v 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 María Fernández Martin and Oliver Stehmann: 'Product market integration versus regional cohesion in the Community' 716
- [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: XXIIInd 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

- [E60] JJ Zwartveld 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 Corp 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: IIInd 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

[E97] Malcolm Ross: 'Beyond Francovich' 864

Index 871