

OPTIMISING PUBLIC INTERESTS THROUGH COMPETITIVE TENDERING

Governments are increasingly trying to achieve a variety of public interests through competitive tendering of public contracts, authorisations, subsidies as well as public assets. Over the past decades, domestic and EU law has developed for these 'limited rights' at different speeds and is extremely fragmented: there is no coherent legal framework. This book provides information on the legal aspects of competitive allocation of all types of limited rights on the basis of an overarching perspective. It explains the impact of the legal framework on the ability of governments to achieve the public interests they pursue through competitive tendering. The book is relevant for domestic and EU public authorities, legislators, courts of law as well as academics. It discusses and connects in a consistent manner legal questions arising in the framework of competitive allocation of public contracts, authorisations, subsidies and public assets.

CHRIS JANSEN is Professor of Private Law at the Faculty of Law, Vrije Universiteit Amsterdam and Deputy Justice at the Courts of Appeal in The Hague and 's-Hertogenbosch. He is a leading authority on European public procurement law and its relevance for the allocation by governments of scarce rights outside the domain of public contracts. He is advisor of the Dutch government on the Dutch Public Procurement Act and was formerly chairman of the Dutch Public Procurement Ombudsman.

FRANK VAN OMMEREN is Professor of Constitutional and Administrative Law and Dean at the Faculty of Law, Vrije Universiteit Amsterdam. He is a member of the Dutch Council for Public Administration and a member of the Dutch 'Trade and Industry Appeals Tribunal'. He delivered his inaugural lecture on 'Limited Licenses; The Allocation of Limited Licenses as Part of General Administrative Law' (2004). His research was awarded by the Royal Holland Society of Sciences and Humanities. Together with Chris Jansen, he received a grant from the Dutch Research Council to further research and develop a coherent legal framework for the competitive allocation of limited rights by the government.

Cambridge University Press & Assessment

978-1-009-44377-7 — Optimizing Public Interests through Competitive Tendering

Edited by Chris Jansen, Frank van Ommereen, Johan Wolswinkel, Sue Arrowsmith

Frontmatter

[More Information](#)

JOHAN WOLSWINKEL is Professor of Administrative Law at Tilburg Law School, Tilburg University. He has developed an impressive track record with various thought-provoking publications on issues of competitive decision-making, including the co-edited volume *Scarcity and the State* (2016). He was awarded a prestigious Vidi grant from the Dutch Research Council to further research on open government, transparency and administrative decision-making.

SUE ARROWSMITH is Professor Emerita at the School of Law, University of Nottingham. She is the author of the *Law of Public and Utilities Procurement* (3rd edn, 2018) which is recognised by the English courts as the 'leading academic authority' and has been cited in the courts of numerous European countries as well as in the jurisprudence of the ECJ. In addition, she is founding editor of the *International Public Procurement Law Review*; is a former member of the advisory committees on procurement and reform of the EU, World Bank, UNCITRAL and UK government; and has been awarded the Swinbank Medal of the Chartered Institute of Procurement and Supply for contribution to thought innovation in procurement and supply. In 2019 she was created Kings Counsel honoris causa in recognition of her contribution to legal development.

OPTIMISING PUBLIC INTERESTS THROUGH COMPETITIVE TENDERING

Concept, Context and Challenges

Edited by

CHRIS JANSEN

Vrije Universiteit Amsterdam

FRANK VAN OMMEREN

Vrije Universiteit Amsterdam

JOHAN WOLSWINKEL

Tilburg University

SUE ARROWSMITH

University of Nottingham



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press & Assessment

978-1-009-44377-7 — Optimizing Public Interests through Competitive Tendering

Edited by Chris Jansen, Frank van Ommeren, Johan Wolswinkel, Sue Arrowsmith

Frontmatter

[More Information](#)



CAMBRIDGE
UNIVERSITY PRESS

Shaftesbury Road, Cambridge CB2 8EA, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment,
a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of
education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781009443777

DOI: 10.1017/9781009443739

© Cambridge University Press & Assessment 2025

This publication is in copyright. Subject to statutory exception and to the provisions
of relevant collective licensing agreements, no reproduction of any part may take
place without the written permission of Cambridge University Press & Assessment.

First published 2025

A catalogue record for this publication is available from the British Library

A Cataloging-in-Publication data record for this book is available from the Library of Congress

ISBN 978-1-009-44377-7 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence
or accuracy of URLs for external or third-party internet websites referred to in this
publication and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

CONTENTS

<i>List of Contributors</i>	xiii
<i>Preface</i>	xv
<i>Table of Cases</i>	xviii
<i>List of Abbreviations</i>	xxvii
1 Optimising Public Interests through Competitive Tendering: Connecting Limited Rights	1
JOHAN WOLSWINKEL, CHRIS JANSEN AND FRANK VAN OMMEREN	
1.1 Connectivity in a Fragmented Landscape	1
1.1.1 A Fragmented Landscape	1
1.1.2 The Need for Connection	3
1.1.3 The Bridging Function of Competitive Tendering	5
1.2 Building Blocks for a Connecting Approach towards Limited Rights	8
1.2.1 Different Avenues for Categorising Limited Rights	8
1.2.2 A Right-Oriented Approach: Types of Limited Rights	10
1.2.3 Allocation and Competition	14
1.3 Optimising Public Interests: A Legal Perspective	16
1.3.1 A Wide Range of Public Interests	16
1.3.2 Towards a Strategic Triangle for Allocating Limited Rights	18
1.3.2.1 Public Value	19
1.3.2.2 Legitimacy: A Legal Framework	22
1.3.2.3 Operational Capacity: Efficiency and Effectiveness	22
1.3.3 Towards a Public Value Account in the Allocation of Limited Rights?	24
1.4 Regulating Competitive Tendering: Dimensions of Comparison	25
1.4.1 The Unique Stages of Competitive Tendering	25
1.4.2 The Interplay between EU Law and Domestic Law	27
1.4.3 Rule-Based and Principle-Based Regulation	28

vi	CONTENTS
1.5	Introducing the Book 29
1.5.1	A Transversal Research Project 29
1.5.2	Overarching Observations: Concept, Context and Challenges 30
1.6	Concluding Remarks: Towards a <i>ius distributiva commune</i> ? 33
PART I Characterising Limited Rights	
2	Public Procurement 37
SUE ARROWSMITH	
2.1	Introduction 37
2.2	The Concept of Public Procurement 41
2.3	An Overview of Public Interests in Public Procurement 45
2.3.1	Value for Money in Relation to the Commercial Aspects of Acquiring the Goods, Works or Services (Commercial Objectives) 49
2.3.2	Effective and Efficient Implementation of Industrial, Social and Environmental Policy (Horizontal Policies or ‘Additional’ Policies) 52
2.3.3	Opening of Markets to Trade 56
2.3.4	Integrity 57
2.3.5	Equal Opportunities and Equal Treatment for Suppliers 59
2.3.6	Fair Treatment 61
2.3.7	Accountability 61
2.3.8	Efficiency of the Process 62
2.3.9	Safeguarding Fundamental Rights 62
2.3.10	Transparency 63
2.4	Optimising Public Interests: Legal Choices and Assumptions 71
2.4.1	Competitive Tendering or Not? 71
2.4.1.1	The Rationale for Competitive Tendering as a General Principle for Allocating Public Procurement Contracts 71
2.4.1.2	The Legal Framework for Competitive Tendering in the EU and Its Member States 73
2.4.1.3	Exceptions to Competitive Tendering 79
2.4.2	Balancing Interests through Competitive Tendering 80
2.4.2.1	Introduction 80
2.4.2.2	National Commercial Objectives and the EU’s Objective of Opening Markets 81
2.4.2.3	Horizontal (Additional) Policy Objectives and the Balance with Other Objectives 94
2.4.2.4	Efficiency of the Procurement Procedure 108
2.4.2.5	Balancing Interests in the Supplier Remedies System 113
2.5	Concluding Remarks 119

3	Licensing	121
	FERDINAND WOLLENSCHLÄGER	
3.1	Introduction	121
3.2	The Concept of Licensing	122
3.3	An Overview of Public Interests	124
3.3.1	Inherent Needs	124
3.3.2	Output-Related Interests	126
3.3.2.1	Achieving Additional Policies	126
3.3.2.2	Value for Money	126
3.3.2.3	Opening of Markets (including Promoting SMEs)	127
3.3.2.4	Safeguarding Fundamental Rights	127
3.3.2.5	Integrity	128
3.3.3	Process-Related Interests	128
3.3.3.1	Equal Treatment	128
3.3.3.2	Fair Treatment (in addition to Equal Treatment)	128
3.3.3.3	Transparency	128
3.3.3.4	Accountability	129
3.3.3.5	Efficiency of the Process	129
3.4	Optimising Public Interests: Legal Choices and Assumptions	129
3.4.1	The Multi-layered, Fragmented Legal Framework	129
3.4.1.1	The Legislative Framework at EU Level	131
3.4.1.2	The Constitutional Framework at EU Level	133
3.4.1.3	National Law	137
3.4.1.4	Principle-Based versus Rules-Based Regulation	138
3.4.2	Competitive Tendering, or Not?	140
3.4.2.1	Creating Scarcity	141
3.4.2.2	Setting the Course for Competitive Tendering: Inviting Applications versus Direct Awards	144
3.4.3	Balancing Public Interests through Competitive Tendering	148
3.4.3.1	Competitive Tendering: The Procedural Dimension	148
3.4.3.2	Competitive Tendering: The Substantive Dimension	151
3.4.4	Balancing Public Interests through Non-competitive Tendering	161
3.5	Concluding Remarks	162
4	Subsidising	163
	JACOBINE VAN DEN BRINK	
4.1	Introduction	163
4.2	The Concept of Subsidising	164

4.3	An Overview of Public Interests Concerning (Limited) Financial Grants	167
4.4	Optimising Public Interests: Legal Choices and Assumptions	173
4.4.1	Introduction	173
4.4.2	Competitive Tendering or Not?	174
4.4.2.1	European Subsidies Awarded Directly by the European Commission (Direct Management)	175
4.4.2.2	European Subsidies Awarded by National Authorities (Shared Management)	175
4.4.2.3	Subsidies Awarded by Domestic Authorities	177
4.4.3	Balancing Public Interests through Competitive Tendering	181
4.4.3.1	Balancing Public Interests through a Beauty Contest	181
4.4.3.2	Balancing Public Interests through a First Come, First Served Procedure, a Drawing of Lots or a Proportional Division	187
4.4.4	Balancing Public Interests: Direct Award	189
4.5	Concluding Remarks	191
5	Government Sales and Privatisations	193
	ROBERTO CARANTA AND BENEDETTA BIANCARDI	
5.1	Introduction	193
5.1.1	Societal Relevance	193
5.1.2	Academic Relevance	197
5.2	The Concept of Government Sale	197
5.3	An Overview of Public Interests	199
5.3.1	Output-Related Interests	199
5.3.2	Process-Related Interests	203
5.3.2.1	Sale of Land or Individual Assets	204
5.3.2.2	Privatisation Processes	205
5.4	Optimising Public Interests: Legal Choices and Assumptions	206
5.4.1	Introduction	206
5.4.2	Competitive Tendering or Not?	215
5.4.2.1	Sales of Land, Buildings or Other Assets	216
5.4.2.2	Privatisation Processes	231
5.4.3	Balancing Public Interests	243
5.4.3.1	Through Competitive Tendering	244
5.4.3.2	Through Non-competitive Tendering	249
5.5	Concluding Remarks	252

PART II Connecting Limited Rights

6	Limited Rights: Scope of Application	257
	STEVEN VAN GARSSE AND ILENIA VANDORPE	
6.1	Introduction	257
6.2	Substantive Relationship between the Listed Limited Rights	259
6.2.1	Introduction	259
6.2.1.1	General Remarks	259
6.2.1.2	A Specific Note on Public Procurement	261
6.2.2	Public Contract	262
6.2.2.1	Definition and Characteristics	262
6.2.2.2	Regulation	265
6.2.3	Concession	266
6.2.3.1	Definition and Characteristics	266
6.2.3.2	Regulation	269
6.2.4	Sale of Assets	271
6.2.4.1	Definition and Characteristics	271
6.2.4.2	Regulation	274
6.2.5	Subsidies	275
6.2.5.1	Definition and Characteristics	275
6.2.5.2	Regulation	278
6.2.6	Licences	279
6.2.6.1	Definition and Characteristics	279
6.2.6.2	Regulation	283
6.3	The Development of a Common Regime from the Nature and Characteristics of the Limited Rights under Discussion?	283
6.4	Concluding Remarks	289
7	Balancing Public Interests through Limitation, Allocation and Execution of Limited Rights	291
	JOHAN WOLSWINKEL	
7.1	Introduction	291
7.2	Interdependencies between Public Interests	293
7.2.1	Many Interdependencies	293
7.2.2	Value for Money as an Inherent Need?	295
7.2.3	Positioning Additional Policies	297
7.2.4	Opening of Markets as an Additional (EU) Policy?	298
7.2.5	Explaining the Differences: Beyond Allocation	301
7.3	A Three-Stage Process	302
7.3.1	Limitation	302
7.3.2	Allocation	307
7.3.3	Execution	312

7.4	Connecting the Stages	314
7.4.1	Limitation and Allocation	314
7.4.2	Allocation and Execution	318
7.5	Concluding Remarks: In Isolation or Conjunction	320
8	European Union Law and Granting Limited Rights to Provide Services of General Interest: What Role for National Law?	323
	JOHAN VAN DE GRONDEN	
8.1	Introduction	323
8.2	The Scope of EU Internal Market and Competition Law	326
8.3	The Obligations Resting with the Member States with Regard to SGEIs	331
8.3.1	Regulatory Requirements in Relation to EU Internal Market and Competition Law	333
8.3.2	Access to Limited Rights in EU Internal Market and Competition Law	336
8.3.2.1	The Creation and Award of Limited Rights to Provide SGEIs	337
8.3.2.2	Financial Grants and EU State Aid Law	342
8.4	Derogations from the Obligations of EU Internal Market and Competition Law	344
8.4.1	Justifying Regulatory Requirements	344
8.4.2	Justifying Restrictions of the Access to Limited Rights in EU Internal Market and Competition Law	346
8.4.2.1	Justifying Creation and Award of Limited Rights to Provide SGEIs	346
8.4.2.2	Justifying Giving Financial Grants	352
8.5	Conclusions	354
9	The Transparent Allocation of Limited Rights: What Types of Transparency Promote Public Interests?	357
	ANOESKA BUIJZE	
9.1	Introduction	357
9.2	Transparency Obligations	359
9.2.1	Transparency about the Decision to Create a Right	359
9.2.2	Transparency about the Decision to Create Scarcity	360
9.2.3	Transparency about the Availability of the Opportunity to Acquire a Limited Right	361
9.2.4	Existence of Rules Governing the Allocation Procedure (Notions of Rule-Based Governance)	362
9.2.5	Transparency about the Rules Governing the Allocation Procedure	364
9.2.6	Transparency about Selection and Allocation Decisions	364

9.3	What Is Transparency?	364
9.3.1	Types of Transparency	365
9.3.2	Helping Economic Operators to Optimize Their Decisions	367
9.3.3	Helping Economic Operators Monitor the Behaviour of Public Authorities	368
9.4	Transparency’s Contribution to Achieving Public Interests	368
9.4.1	Transparency as a Public Interest?	369
9.4.2	Process-Related Interests	370
9.4.2.1	Transparency’s Contribution to Efficiency	371
9.4.2.2	Transparency’s Contribution to Equal Treatment’s Contribution to Efficiency	372
9.4.2.3	Transparency’s Contribution to Fair Treatment	373
9.4.3	Inherent Need	373
9.4.4	Output-Related Interests	374
9.4.4.1	Value for Money and Additional Policies	374
9.4.4.2	Opening of Markets	376
9.4.4.3	Safeguarding Fundamental Rights	377
9.4.4.4	Integrity	379
9.5	Discussion	381
9.5.1	On the Alignment of Public and Private Interests	382
9.5.2	Striking the Balance: On Optimizing Public Interests	385
10	Regulating Competitive Tendering of Limited Rights: Principle-Based, Rule-Based and Integrated Approaches	389
CHRIS JANSEN, RIANNE JACOBS AND FRANK VAN OMMEREN		
10.1	Introduction	389
10.2	Principle-Based and Rule-Based Systems: General Features and Distinctions	392
10.2.1	Introduction	392
10.2.2	What Makes a Regulation Principle-Based or Rule-Based?	392
10.2.3	Why Do Legislators Opt for a Principle-Based or Rule-Based System?	394
10.3	Public Procurement	396
10.3.1	Introduction	396
10.3.2	What Decisions Are Typically Made during a Competitive Public Procurement Process?	397
10.3.3	EU Law Restrictions on Levels of Discretion: What Do They Relate to (and What Not)?	398
10.3.4	Restricting Discretion: Principle-Based, Rule-Based or Integrated Approach?	399

10.3.5	Why Has the EU Legislator Opted for an Integrated Approach?	403
10.3.6	What Is the Impact of the Integrated Approach on Procurement Objectives?	405
10.4	Licences, Subsidies and Government Property	408
10.4.1	Introduction	408
10.4.2	Structure of the Competitive Allocation Process	410
10.4.3	EU Legal Framework	412
10.4.4	Rationale of EU Law Restrictions on Discretion	415
10.4.5	Restricting Levels of Discretion: Principle-Based, Rule-Based or Integrated Approach?	416
10.5	Integrated Reflections from the Perspective of the Regulation of Public Procurement	418
10.6	Concluding Remarks	421

CONTRIBUTORS

SUE ARROWSMITH, Professor Emerita of Public Procurement Law and Policy at University of Nottingham, School of Law

BENEDETTA BIANCARDI, Legal expert at Italian National Anticorruption Authority

JACOBINE VAN DEN BRINK, Professor of Administrative Law at University of Amsterdam (UvA), Faculty of Law

ANOESKA BUIJZE, Professor of National and European Administrative Law at Utrecht University, Faculty of Law, Economics and Governance

ROBERTO CARANTA, Professor of Administrative Law at University of Turin, Department of Law

STEVEN VAN GARSSE, Professor of Administrative Law at University of Hasselt, Faculty of Law; Associate Professor at University of Antwerp, Faculty of Law; and Professor at Antwerp Management School

JOHAN VAN DE GRONDEN, Professor of European Law, Centre for State and Law, Radboud University Nijmegen; and State Counsellor in extraordinary service at the Dutch Council of State

RIANNE JACOBS, Judge at the Dutch Trade and Industry Appeals Tribunal and Endowed Professor of Legal and Regulatory Issues at Vrije Universiteit Amsterdam, Faculty of Law

CHRIS JANSEN, Professor of Private Law at Vrije Universiteit Amsterdam, Faculty of Law

Cambridge University Press & Assessment

978-1-009-44377-7 — Optimizing Public Interests through Competitive Tendering

Edited by Chris Jansen, Frank van Ommersen, Johan Wolswinkel, Sue Arrowsmith
Frontmatter

[More Information](#)

xiv

LIST OF CONTRIBUTORS

FRANK VAN OMMEREN, Professor of Constitutional and Administrative
Law at Vrije Universiteit Amsterdam, Faculty of Law

ILENIA VANDORPE, Associate at Equator Attorneys Antwerp

FERDINAND WOLLENSCHLÄGER, Professor of Public Law and European
Law at Augsburg University, Faculty of Law

JOHAN WOLSWINKEL, Professor of Administrative Law at Tilburg
University, Tilburg Law School

PREFACE

Whenever the number of applicants exceeds the number of government rights – licenses, subsidies, contracts, and so on – available for grant, these rights are limited. A fundamental and returning issue here is to what extent governments are required to apply some form of competitive tendering to allocate these limited rights. In addressing this issue, it is key to acknowledge that governments are expected to act in the public interest. The public interest, however, is not a monolith, but covers many, sometimes conflicting public interests. Therefore, this edited volume puts central the question of how governments can pursue these different public interests when resorting to competitive tendering, or refraining therefrom.

To answer this central question, this edited volume aims at bringing together four different types of limited rights: public (procurement) contracts, licenses, subsidies and government sales. The fundamental and innovative challenge is to investigate whether and to what extent these different types of limited rights are subject to similar ‘allocation rules’.

It is striking that each of these rights has been subject to detailed analysis within its own subdiscipline, both in legal scholarship and in legal practice. However, the indispensable exercise of cross-fertilisation between these different types of limited rights is lacking. This edited volume overcomes this compartmentalisation of limited rights by adopting a unique approach of bringing together experts from these different subfields and starting a conversation between them.

This edited volume is the final result of two international expert meetings organised in 2018 and 2019 to foster the exchange of ideas and insights between experts from different subfields and jurisdictions. Both expert meetings were hosted by the Centre for Public Contract Law and Governance at the Faculty of Law of Vrije Universiteit Amsterdam. While the first expert meeting welcomed a wide range of participants from different (European) jurisdictions, the second expert meeting had a more focused approach in which only the authors of this edited volume participated. We are very grateful to the participants of both expert

meetings for sharing their inspiring thoughts with others. Without any doubt, this very diverse and thought-provoking input has been vital in realising this edited volume.

It should come as no surprise that the initiative for this edited volume can be traced to the Netherlands. The Dutch legal system has turned out to be very adaptive and flexible in moving between domestic and EU law and between public law and private law when settling legal issues on the allocation of limited rights by governments. Moreover, the Centre for Public Contract Law and Governance has established a strong track record in conducting ‘bridging’ research on the allocation of different limited rights for almost two decades.

In particular, this edited volume builds on the book project *Scarcity and the State: The Allocation of Limited Rights by the Administration* (2016), which gave the first impetus to a Europe-wide exploration of building blocks for a consistent and general legal theory on the allocation of limited rights by governments.¹

The edited volume that we present here has been realised in different stages. Based on the input that we received during both expert meetings, we have drafted a questionnaire for the authors who have contributed to Part I of this volume, which aims at characterising four different types of limited rights in a similar and therefore comparable way. Thanks to their willingness to follow this uniform format, the chapters in Part I have a similar structure. Next, we have asked the authors of Part II of this volume to connect these different limited rights on a various number of topics, after having considered the draft chapters of Part I. Following an iterative process, the authors of both parts have been enabled to clarify and elaborate upon remaining issues that were deemed crucial for the comparison between different kinds of limited rights. The chapters were finalised in spring 2023.

It goes without saying that we are indebted to the different authors for their willingness to participate in this phased and therefore lengthy process. We are indebted to them even more because of their excellent and highly valuable contributions. This holds in particular for Sue Arrowsmith. The larger size of her contribution to this volume and her

¹ Paul Adriaanse, Frank van Ommeren, Willemien den Ouden and Johan Wolswinkel (eds.), *Scarcity and the State I: The Allocation of Limited Rights by the Administration* (Cambridge: Intersentia, 2016); Paul Adriaanse, Frank van Ommeren, Willemien den Ouden and Johan Wolswinkel (eds.), *Scarcity and the State II: Member State Reports on Gambling Licences, Radio Frequencies and CO2 Emission Permits* (Cambridge: Intersentia, 2016).

Cambridge University Press & Assessment

978-1-009-44377-7 — Optimizing Public Interests through Competitive Tendering

Edited by Chris Jansen, Frank van Ommeren, Johan Wolswinkel, Sue Arrowsmith

Frontmatter

[More Information](#)

PREFACE

xvii

being mentioned as co-editor on the cover is justified thanks to her great efforts during the expert meetings in paving the way and providing the structure for the comparison of different limited rights.

Finally, we would like to thank our student assistants Anne van Leeuwen, Michelle Rijnen and Terēze Tiesniece for their indispensable support in realising and finalising this edited volume.

Chris Jansen
Frank van Ommeren
Johan Wolswinkel

TABLE OF CASES

European Court of Justice

- Case 7/61 *Commission of the European Economic Community v. Government of the Italian Republic* [1961] ECR 00635, ECLI:EU:C:1961:31 | 2.4.2
- Case 5/77 *Tedeschi* [1977] ECR 01555, ECLI:EU:C:1977:144 | 8.3
- Case 149/79 *Commission v. Belgium I* [1980] ECR 3881, ECLI:EU:C:1980:297 | 3.4.1
- Case 149/79 *Commission v. Belgium II* [1982] ECR 1845, ECLI:EU:C:1982:195 | 3.4.1
- Case C-40/85 *Belgium v. Commission* [1986] ECLI:EU:C:1986:305 | 5.4.1
- Case C-234/84 *Belgium v. Commission* [1986] ECLI:EU:C:1986:302 | 5.4.2
- Case 205/84 *Commission v. Germany* [1986] ECR 03755, ECLI:EU:C:1986:463 | 8.3.1
- Case 199/85 *Commission of the European Communities v. Italian Republic* [1987] ECR 1039, ECLI:EU:C:1987:115 | 2.4.1, 2.4.2
- Case 118/85 *Commission v. Italy* [1987] ECR 02599, ECLI:EU:C:1987:283 | 8.2
- Case 222/86 *Heylens* [1987] ECR 4097 | 3.4.3
- Case 263/86 *Belgian State v. Humbel* [1988] ECR 05365, ECLI:EU:C:1988:451 | 8.2
- Case 31/87 *Gebroeders Beentjes BV v. State of the Netherlands* [1988] ECR 4635, ECLI:EU:C:1988:422 | 2.3, 2.4.2, 7.3.2
- Case C-21/88 *Du Pont de Nemours Italiana SpA v. Unità sanitaria locale No.2 di Carrara* [1990] ECR I-889, EU:C:1990:121 | 2.4.2
- Case C-113/89 *Rush Portuguesa Lda v. Office national d'immigration (National Immigration Office)* [1990] ECR I-1417, EU:C:1990:142 | 2.4.2
- Case C-41/90 *Höfner* [1991] ECR I-01979, ECLI:EU:C:1991:161 | 8.2
- Case C-76/90 *Säger* [1991] ECR I-04221, ECLI:EU:C:1991:331 | 8.3.1
- Case C-340/89 *Vlassopoulou* [1991] ECR I-2357, ECLI:EU:C:1991:193 | 3.4.3
- Joined Cases C-159/91 and C-160/91 *Poucet and Pistre* [1993] ECR I-00637, ECLI:EU:C:1993:63 | 8.2
- Case C-109/92 *Wirth v. Landeshauptstadt Hannover* [1993] ECR I-06447, ECLI:EU:C:1993:916 | 8.2
- Case C-328/92 *Commission of the European Communities v. Kingdom of Spain* [1994] ECR I-1569, ECLI:EU:C:1994:178 | 2.4.1, 2.4.2
- Case C-91/92 *Faccini Dori* [1994] ECR I-03325, ECLI:EU:C:1994:292 | 8.2
- Joined Cases C-278/92, C-279/92 and C-280/92 *Kingdom of Spain v. Commission* [1994] ECR 1994 I-04103, ECLI:EU:C:1994:325 | 5.4.2

TABLE OF CASES

xix

- Case C-384/93 *Alpine Investments* [1995] ECR I-01141, ECLI:EU:C:1995:126 | 8.3.1
- Case C-359/93 *Commission of the European Communities v. Kingdom of the Netherlands (UNIX)* [1995] ECR I-157, ECLI:EU:C:1995:14 | 2.4.2
- Case C-55/94 *Reinhard Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano* [1995] ECLI:EU:C:1995:411 | 7.2.4, 8.3.1
- Case C-87/94 *Commission of the European Communities v. Kingdom of Belgium* [1996] ECLI:EU:C:1996:161 | 1.1.2
- Case C-39/94 *SFEI and Others* [1996] ECLI:EU:C:1996:285 | 5.4.1
- Case C-343/95 *Diego Cali* [1997] ECR I-01547, ECLI:EU:C:1997:160 | 8.2
- Case C-67/06 *Albany* [1999] ECR I-05751, ECLI:EU:C:1999:430 | 8.2
- Case C-81/98 *Alcatel Austria AG and Others, Siemens AG Österreich and Sag-Schrack Anlagentechnik AG v. Bundesministerium für Wissenschaft und Verkehr* [1999] ECR I-7671, ECLI:EU:C:1999:534 | 2.4.2
- Joined Cases C-115/97 – C-117/97 *Brentjens* [1999] ECR I-06025, ECLI:EU:C:1999:434 | 8.2
- Case C-219/97 *Drijvende Bokken* [1999] ECR I-06121, ECLI:EU:C:1999:437 | 8.2
- Case C-107/98 *Teckal Srl v. Comune di Viano and Azienda Gas-Acqua Consorziale (AGAC) di Reggio Emilia* [1999] ECLI:EU:C:1999:344 | 6.2.2, 6.3
- Case C-94/99 *ARGE Gewässerschutz v. Bundesministerium für Land- und Forstwirtschaft* [2000] ECLI:EU:C:2000:677 | 7.2.4
- Case C-324/98 *Telaustria Verlags GmbH and Telefonadress GmbH v. Telekom Austria AG* [2000] ECR I-10745, ECLI:EU:C:2000:669 | 2.3, 2.4.1, 3.4.1, 3.4.2, 3.4.3, 5.4.2
- Case C-475/99 *Ambulanz Glöckner* [2001] ECR I-08089, ECLI:EU:C:2001:577 | 8.2, 8.3.2, 8.4.2
- Case C-172/99 *Oy Liikenne Ab v. Pekka Liskojärvi and Pentti Juntunen* [2001] ECLI:EU:C:2001:59 | 1.2.1
- Case C-439/99 *Commission v. Italy* [2002] ECR I-00305, ECLI:EU:C:2002:14 | 8.3.1
- Case C-513/99 *Concordia Bus Finland Oy Ab, formerly Stagecoach Finland Oy Ab v. Helsingin kaupunki and HKL-Bussiliikenne* [2002] ECR I-7213, EU:C:2002:495 | 2.4.2
- Case C-92/00 *Hospital Ingenieure* [2002] ECR I-5553 | 3.4.1
- Case C-280/00 *Altmark Trans GmbH and Regierungspräsidium Magdeburg v. Nahverkehrsgesellschaft Altmark GmbH, and Oberbundesanwalt beim Bundesverwaltungsgericht* [2003] ECR I-7747, ECLI:EU:C:2003:415 | 2.4.2, 5.4.1, 5.4.2, 8.3.2
- Case C-243/01 *Criminal proceedings against Piergiorgio Gambelli and Others* [2003] ECLI:EU:C:2003:597 | 7.4.1
- Case C-448/01 *EVN AG and Wienstrom GmbH v. Republik Österreich* [2003] ECR I-14527, ECLI:EU:C:2003:651 | 2.4.2, 10.3.4
- Case C-355/00 *Freskot* [2003] ECR I-05263, ECLI:EU:C:2003:298 | 8.2, 8.4.2
- Case C-410/01 *Fritsch, Chiari & Partner, Ziviltechniker GmbH and Others v. Autobahnen- und Schnellstraßen-Finanzierungs-AG (Asfinag)* [2003] ECR I-6413, ECLI:EU:C:2003:362 | 2.4.2
- Case C-334/99 *Germany v. Commission* [2003] ECR I-01139 | 5.3.1, 5.4.2

- Case C-153/02 *Neri v. European School of Economics (ESE Insight World Education System Ltd)* [2003] ECR I-13555, ECLI:EU:C:2003:614 | 8.2
- Case C-495/99 *Commission v. CAS Succhi di Frutta SpA* [2004] ECLI:EU:C:2004:236 | 9.3
- Case C-496/99 P *Commission of the European Communities v. CAS Succhi di Frutta* [2004] ECLI:EU:C:2004:236 | 1.4.2, 3.4.3, 7.4.2, 10.3.4
- Case C-277/00 *Germany v. Commission* [2004] EU:C:2004:238 | 5.4.1, 5.4.2
- Case C-247/02 *Sintesi SpA v. Autorità per la Vigilanza sui Lavori Pubblici* [2004] ECLI:EU:C:2004:593 | 1.4.2
- Case C-201/02 *Wells* [2004] ECR I-00723, ECLI:EU:C:2004:12 | 8.3.2
- Case C-331/04 *ATI EAC Srl e Viaggi di Maio Snc, EAC Srl and Viaggi di Maio Snc v. ACTV Venezia SpA, Provincia di Venezia and Comune di Venezia* [2005] ECR I-10109, ECLI:EU:C:2005:718 | 2.3
- Case C-525/03 *Commission of the European Communities v. Italian Republic* [2005] ECR I-9405, ECLI:EU:C:2005:343 | 2.4.1
- Case C-29/04 *Commission of the European Communities v. Republic of Austria* [2005] ECLI:EU:C:2005:670 | 6.2.2
- Case C-231/03 *Consorzio Aziende Metano (Coname) v. Comune di Cingia de' Botti* [2005] ECR I-7287, ECLI:EU:C:2005:487 | 2.4.1
- Case C-458/03 *Parking Brixen* [2005] ECR I-8612 | 3.4.2, 6.2.3
- Case C-390/98 *Banks* [2006] ECR I-6117, ECLI:EU:C:2006:528 | 5.4.2.
- Case C-323/03 *Commission v. Spain* [2006] ECLI:EU:C:2006:159 | 3.4.2, 3.4.3, 7.4.1
- Case C-372/04 *Watts v. Bedford Primary Care Trust and Secretary of State for Health* [2006] ECR I-04325, ECLI:EU:C:2006:325 | 8.2
- Case C-260/04 *Commission of the European Communities v. Italian Republic* [2007] ECLI:EU:C:2007:508 | 1.1.2, 3.4.2, 3.4.4
- Case C-220/05 *Jean Auroux and Others v. Commune de Roanne* [2007] ECLI:EU:C:2007:31 | 6.2.2
- Case C-6/05 *Medipac-Kazantzidis* [2007] ECR I-4557, ECLI:EU:C:2007:337 | 3.4.3
- Joined Cases C-338/04, C-359/04 and C-360/04 *Placanica* [2007] ECR I-1891 | 3.4.2
- Case C-250/06 *United Pan-Europe Communications* [2007] ECR I-11135, ECLI:EU:C:2007:783 | 8.3.2
- Case C-347/06 *ASM Brescia* [2008] ECR I-05641, ECLI:EU:C:2008:416 | 8.3.2
- Case C-380/05 *Centro Europa 7 Srl* [2008] ECR I-349 | 3.4.2, 3.4.3
- Joined Cases C-147/06 and C-148/06 *SECAP et al.* [2008] ECR I-3565 | 3.4.3
- Case C-214/07 *Commission v. France* [2008] ECR I-8357, ECLI:EU:C:2008:619 | 5.4.2
- Case C-152/05 *Commission of the European Communities v. Federal Republic of Germany* [2008] ECLI:EU:C:2008:17 | 7.2.4
- Case C-346/06 *Dirk Ruffert v. Land Niedersachsen* [2008] ECR I-01989, ECLI:EU:C:2008:189 | 2.4.2
- Case C-532/06 *Emm. G. Lianakis AE, Sima Anonymi Techniki Etairia Meleton kai Epivlepseon and Nikolaos Vlachopoulos v. Dimos Alexandroupolis and Others* [2008] ECR I-00251, ECLI:EU:C:2008:40 | 2.3

TABLE OF CASES

xxi

- Case C-454/06 *presstext Nachrichtenagentur GmbH v. Republik Österreich (Bund), APA-OTS Originaltext – Service GmbH, APA Austria Presse Agentur registrierte Genossenschaft mit beschränkter Haftung* [2008] ECR I-04401, ECLI:EU:C:2008:351 | 2.4.2, 7.3.3, 7.4.2
- Joined Cases C-171 and C-172/07 *Apothekerkammer des Saarlandes* [2009] ECR I-04171, ECLI:EU:C:2009:316 | 8.3.1, 10.3.4
- Case C-538/07 *Assitur Srl* [2009] ECR I-4219 | 3.4.3
- Case C-503/04 *Commission/Germany* [2009] ECR I-6153 | 5.4.1
- Case C-199/07 *Commission v. Greece* [2009] ECR I-10669, ECLI:EU:C:2010:692 | 3.4.3
- Case C-169/07 *Hartlauer Handelsgesellschaft mbH v. Wiener Landesregierung and Oberösterreichische Landesregierung* [2009] ECR I-1721, ECLI:EU:C:2009:141 | 3.4.2, 7.3.1, 8.4.1
- Case C-350/07 *Kattner Stahlbau GmbH v. Maschinenbau- und Metall- Berufsgenossenschaft* [2009] ECR I-01513, ECLI:EU:C:2009:127 | 8.2, 8.4.2
- Case C-42/07 *Liga Portuguesa de Futebol Profissional and Bwin International* [2009] ECR I-7633 | 3.4.2
- Case C-75/08 *Mellor* [2009] ECR I-3799 | 3.4.3
- Case C-376/08 *Serrantoni* [2009] ECR I-12169 | 3.4.3
- Case C-206/08 *Wasser- und Abwasserzweckverband Gotha und Landkreisgemeinden (WAZV Gotha) v. Eurawasser Aufbereitungs- und Entsorgungsgesellschaft mbH* [2009] ECLI:EU:C:2009:540 | 6.2.3
- Case C-203/08 *Betfair* [2010] ECR I-04695, ECLI:EU:C:2010:307 | 4.3, 8.3.2, 8.4.2, 9.1, 9.2.3
- Joined Cases C-145/08 and C-149/08 *Club Hotel Loutraki AE and Others v. Ethnico Symvoulío Radiotileorasis and Ypourgos Epikrateias and Aktor Anonymi Techniki Etaireia (Aktor ATE) v. Ethnico Symvoulío Radiotileorasis* [2010] ECLI:EU:C:2010:247 | 1.1.2, 2.4.1, 5.4.2
- Case C-568/08 *Combinatie Spijker Infrabouw/De Jonge Konstruktie v. Provincie Drenthe* [2010] ECR I-12655, ECLI:EU:C:2010:515 | 2.4.2
- Case C-290/07 *P Commission v. Scott* [2010] ECR 2010 I-07763 | 5.4.2
- Case C-64/08 *Criminal proceedings against Ernst Engelmann* [2010] ECLI:EU:C:2010:506 | 3.4.1, 3.4.3, 7.4.1, 8.4.2
- Case C-226/09 *European Commission v. Ireland* [2010] ECR I-11807, ECLI:EU:C:2010:697 | 2.4.1
- Case C-451/08 *Helmut Müller GmbH v. Bundesanstalt für Immobilienaufgaben* [2010] ECLI:EU:C:2010:168 | 1.2.2, 3.4.3, 5.4.2, 6.2.4
- Case C-570/07 and Case C-571/07 *José Manuel Blanco Pérez and María del Pilar Chao Gómez v. Consejería de Salud y Servicios Sanitarios and Principado de Asturias* [2010] ECLI:EU:C:2010:300 | 7.3.1, 7.4.1, 8.4.1
- Case C-258/08 *Ladbrokes Betting & Gaming Ltd and Ladbrokes International Ltd v. Stichting de Nationale Sporttotalisator* [2010] ECLI:EU:C:2010:308 | 1.3.2

- Joined Cases C-316/07, C 358/07 to C 360/07, C 409/07 and C 410/07 *Markus Stoß et al.* [2010] ECR I-8069, ECLI:EU:C:2010:504 | 3.4.1
- Case C-73/08 *Nicolas Bressol and Others and Céline Chaverot and Others v. Gouvernement de la Communauté française* [2010] ECLI:EU:C:2010:181 | 1.2.2, 3.4.3, 7.3.2, 7.4.1
- Case C-239/09 *Seydaland Vereinigte Agrarbetriebe* [2010] EU:C:2010:778 | 5.4.2
- Case C-203/08 *Sporting Exchange Ltd v. Minister van Justitie* [2010] ECLI:EU:C:2010:307 | 1.1.2, 1.1.3, 1.2.3, 3.4.2, 7.3.3, 7.4.1
- Case C-91/08 *Wall AG v. Stadt Frankfurt am Main and Frankfurter Entsorgungs- und Service (FES) GmbH* [2010] ECR I-02815, ECLI:EU:C:2009:659 | 2.4.1, 2.4.2, 7.3.3, 7.4.2
- Case C 338/09 *Yellow Cab Verkehrsbetrieb* [2010] ECR I-13927, ECLI:EU:C:2010:814 | 3.4.1
- Case C-274/09 *Privater Rettungsdienst und Krankentransport Stadler v. Zweckverband für Rettungsdienst und Feuerwehralarmierung Passau* [2011] ECLI:EU:C:2011:130 | 6.2.3
- Case C 95/10 *Strong Segurança SA v. Município de Sintra and Securitas-Serviços e Tecnologia de Segurança* [2011] ECLI:EU:C:2011:161 | 1.4.3
- Case C-368/10 *European Commission v. Kingdom of the Netherlands* [2012] ECLI:EU:C:2011:840 | 2.4.2
- Joined Cases C-72/10 and C-77/10 *Costa and Cifone* [2012] ECLI:EU:C:2012:80 | 3.4.2, 3.4.3, 7.4.2
- Joined Cases C-357/10 to C-359/10 *Duomo Gpa Srl et al.* [2012] ECLI:EU:C:2012:283 | 3.4.1
- Case C-368/10 *European Commission v. Kingdom of the Netherlands* [2012] ECLI:EU:C:2012:284 | 2.4.2
- Case C-465/11 *Forposta SA and ABC Direct Contact sp. z o.o. v. Poczta Polska SA* [2012] ECLI:EU:C:2012:801 | 2.4.2
- Case C-599/10 *SAG ELV Slovensko* [2012] ECLI:EU:C:2012:19 | 10.3.4, 10.3.6
- Case C-221/12 *Belgacom NV v. Interkommunale voor Teledistributie van het Gewest Antwerpen (INTEGAN) and Others* [2013] ECLI:EU:C:2013:736 | 3.4.1, 6.2.6, 8.4.2
- Joined Cases C-660/11 and C-8/12 *Biasci et al.* [2013] ECLI:EU:C:2013:550 | 3.4.3
- Joined Cases C-214/12 P, C-215/12 P and C-223/12 P *Land Burgenland and Others v. Commission* [2013] ECLI:EU:C:2013:682 | 5.4.2, 7.3.2
- Case C-336/12 *Manova* [2013] ECLI:EU:C:2013:647 | 10.3.4
- Case C-539/11 *Ottica New Line di Accardi Vincenzo v. Comune di Campobello di Mazara* [2013] ECLI:EU:C:2013:591 | 7.3.1
- Case C-287/12 *Ryanair v. Commission* [2013] ECLI:EU:C:2013:395 | 5.4.3
- Case C-327/12 *SOA Nazionale Costruttori* [2013] ECLI:EU:C:2013:827 | 8.1
- Joined Cases C 105/12 to C 107/12 *Staat der Nederlanden* [2013] ECLI:EU:C:2013:677 | 5.4.1, 7.3.1
- Joined Cases C-105/12 to C-107/12 *Staat der Nederlanden v. Essent and others* [2013] ECLI:EU:C:2013:677 | 5.4.1, 7.3.1

TABLE OF CASES

xxiii

- Case C-113/13 *Azienda sanitaria locale n. 5 'Spezzino' and Others v. San Lorenzo Soc. coop. Sociale and Croce Verde Cogema cooperativa sociale Onlus* [2014] ECLI:EU:C:2014:2440 | 3.4.2, 3.4.4, 8.4.2, 8.5
- Case C-549/13 *Bundesdruckerei* [2014] ECLI:EU:C:2014:2235 | 3.4.3
- Case C-42/13 *Cartiera dell'Adda* [2014] ECLI:EU:C:2014:2345 | 3.4.3
- Case C-358/12 *Consorzio Stabile Libor Lavori Pubblici* [2014] ECLI:EU:C:2014:2063 | 3.4.3
- Case C-156/13 *Digibet Ltd* [2014] ECLI:EU:C:2014:1756 | 3.4.3
- Case C-562/12 *Liivimaa Lihaveis MTÜ v. Eesti-Läti* [2014] ECLI:EU:C:2014:2229 | 4.3
- Case C-390/12 *Pfleger et al.* [2014] ECLI:EU:C:2014:281 | 3.4.1, 3.4.2
- Joined Cases C-533/12 P and C-536/12 *SNCM and France v. CFF* [2014] ECLI:EU:C:2014:2142 | 5.4.2
- Case C-475/12 *UPC* [2014] ECLI:EU:C:2014:285 | 8.3
- Case C-67/14 *Alimanovic* [2015] ECLI:EU:C:2015:597 | 8.2
- Case C-39/14 *BVVG* [2015] ECLI:EU:C:2015:470 | 5.4.2, 7.3.2
- Case C-203/14 *Consorci Sanitari del Maresme v. Corporació de Salut del Maresme i la Selva* [2015] ECLI:EU:C:2015:445 | 2.4.1, 2.4.2
- Case C-518/13 *Eventech Ltd v. The Parking Adjudicator* [2015] ECLI:EU:C:2015:9 | 7.2.4
- Case C-293/14 *Hiebler* [2015] ECLI:EU:C:2015:843 | 8.4.1
- Case C-61/14 *Orizzonte Salute – Studio Infermieristico Associato v. Azienda Pubblica di Servizi alla persona San Valentino – Città di Levico Terme* [2015] ECLI:EU:C:2015:655 | 2.4.2
- Case C-593/13 *Rina Services* [2015] ECLI:EU:C:2015:399 | 8.3.1
- Case C-333/14 *Scotch Whiskey Association* [2015] ECLI:EU:C:2015:845 | 8.4.1
- Case C-463/13 *Stanley International Betting Ltd and Stanleybet Malta Ltd v. Ministero dell'Economia e delle Finanze and Agenzia delle Dogane e dei Monopoli di Stato* [2015] ECLI:EU:C:2015:25 | 3.4.1, 3.4.3
- Joined Cases C-340/14 and C-341/14 *Trijber and Harmsen* [2015] ECLI:EU:C:2015:641 | 8.3.2
- Case C-201/15 *AGET Iraklis* [2016] EU:C:2016:972 | 5.4.1
- Case C-50/14 *CASTA* [2016] ECLI:EU:C:2016:56 | 8.2, 8.4.2, 8.2
- Case C-171/15 *Connexxion Taxi Services v. Netherlands* [2016] ECLI:EU:C:2016:948 | 10.3.4
- Case C-225/15 *Criminal proceedings against Domenico Politanò* [2016] ECLI:EU:C:2016:645 | 3.4.3, 6.2.3, 6.2.6
- Case C-148/15 *Deutsche Parkinson Vereinigung* [2016] ECLI:EU:C:2016:776 | 8.4.1
- Case C-410/14 *Dr. Falk Pharma GmbH v. DAK-Gesundheit* [2016] ECLI:EU:C:2016:399 | 1.1.1, 1.2.1, 2.2, 6.2.2, 7.3.1
- Case C-549/14 *Finn Frogne A/S v. Rigspolitiet ved Center for Beredskabskommunikation* [2016] ECLI:EU:C:2016:634 | 2.4.2
- Case C-336/14 *Ince* [2016] ECLI:EU:C:2016:72 | 3.4.2

- Case C-324/14 *Partner Apelski Dariusz v. Zarząd Oczyszczania Miastai* [2016] ECLI: EU:C:2016:214 | 2.4.2
- Joined Cases C 458/14 and C 67/15 *Promoimpresa srl and Others v. Consorzio dei comuni della Sponda Bresciana del Lago di Garda e del Lago di Idro and Others* [2016] ECLI:EU:C:2016:558 | 1.1.2, 3.2, 3.4.1, 3.4.2, 3.4.3, 6.2.6, 8.3, 8.3.2, 8.4.2, 9.4.4
- Case C-434/15 *Asociación Profesional Elite Taxi* [2017] ECLI: EU:C:2017:981 | 3.4.1
- Case C-560/15 *Europa Way and Persidera* [2017] ECLI:EU:C:2017:593 | 3.4.2, 3.4.3
- Case C-342/15 *Piringer* [2017] ECLI:EU:C:2017:196 | 3.4.1
- Case C-49/16 *Unibet International Ltd v. Nemzeti Adó- és Vámhivatal Központi Hivatala* [2017] ECLI:EU:C:2017:491 | 3.4.2, 3.4.3, 7.4.1, 9.2.4
- Joined Cases C-360/15 and C-31/16 *College van Burgemeester en Wethouders van de gemeente Amersfoort v. X BV and Visser Vastgoed Beleggingen BV v. Raad van de gemeente Appingedam* [2018] ECLI:EU:C:2018:44 | 1.4.2, 3.4.1, 8.3.1, 9.4.4, 9.5.2
- Case C-579/16 *P Commission v. FIH Holding and FIH Erhvervsbank* [2018] EU: C:2018:159 | 5.4.1
- Case C-171/17 *European Commission v. Hungary* [2018] ECLI:EU:C:2018:881 | 8.3.1
- Case C-9/17 *Maria Tirkkonen* [2018] ECLI:EU:C:2018:142 | 1.1.1, 2.2, 6.2.2, 7.3.1
- Case C-606/17 *IBA Molecular Italy v. Azienda* [2018] ECLI:EU:C:2018:843 | 4.2, 6.2.5
- Case C 413/17 ‘*Roche Lietuva*’ *UAB* [2018] ECLI:EU:C:2018:865 | 2.3
- Case C-14/17 *VAR Srl and Azienda Trasporti Milanese SpA (ATM) v. Iveco Orecchia SpA* [2018] ECLI:EU:C:2018:568 | 2.4.2
- Case C-127/16 *P SNCF Mobilités v. Commission* [2018] EU:C:2018:165 | 5.3.1, 5.4.1, 5.4.2
- Case C-3/17 *Sporting Odds Ltd v. Nemzeti Adó- és Vámhivatal Központi Irányítása* [2018] EU:C:2018:130 | 3.4.3, 7.4.1
- Case C-540/16 *Spika et al.* [2018] ECLI:EU:C:2018:565 | 3.4.1, 3.4.3, 9.4.4
- Case C-375/17 *Stanley International Betting and Stanleybet Malta* [2018] ECLI:EU: C:2018:1026 | 3.4.2, 3.4.3
- Joined Cases C 360/15 and C 31/16 *X* [2018] ECLI:EU:C:2018:44 | 3.4.1
- Case C-563/17 *Associação Peço a Palavra and Others* [2019] EU:C:2019:144 | 5.4.1
- Case C-377/17 *Commission v. Germany* [2019] ECLI:EU:C:2019:562 | 3.4.1
- Case C-393/17 *Kirschstein* [2019] ECLI:EU:C:2019:593 | 8.2
- Case C-545/17 *Mariusz Pawlak v. Prezes Kasy Rolniczego Ubezpieczenia Społecznego* [2019] ECLI:EU:C:2019:260 | 1.2.1, 8.1
- Joined Cases C-724/18 and C-727/18 *Cali Apartments* [2020] ECLI:EU:C:2020:743 | 3.4.1, 8.4.1
- Case C-66/18 *The Hungarian Law on higher education* [2020] ECLI:EU:C:2020:792 | 8.2
- Case C-298/18 *Reiner Grafe and Jürgen Pohle v. Südbrandenburger Nahverkehrs GmbH and OSL Bus GmbH* [2020] ECLI:EU:C:2020:121 | 1.2.1
- Case C-429/19 *Remondis GmbH v. Abfallzweckverband Rhein-Mosel-Eifel* [2020] ECLI: EU:C:2020:436 | 6.2.2

TABLE OF CASES XXV

Case C-62/19 *Star Taxi App* [2020] ECLI:EU:C:2020:980 | 3.4.1
 Joined Cases C-262/18 and C-271/18 *SZP/VZP* [2020] ECLI:EU:C:2020:450 | 8.2
 Case C-325/20 *BEMH* [2021] ECLI:EU:C:2021:611 | 8.3.1
 Case C-647/19 P *Ja zum Nürburgring eV* [2021] ECLI:EU:C:2021:666 | 5.4.2
 Case C-231/20 *MT* [2021] ECLI:EU:C:2021 | 8.4.1
 Case C-665/19 P *Nexovation Inc.* [2021] ECLI:EU:C:2021:667 | 5.4.2
 Joined Cases C-434/19 and C-435/19 *Poste Italiane* [2021] ECLI:EU:C:2021:162 | 8.4.2
 Joined Cases C-721/19 and C-722/19 *Sisal* [2021] ECLI:EU:C:2021:672 | 8.3.2
 Case C-436/20 *ASADE* [2022] ECLI:EU:C:2022:559 | 7.3.1, 8.2, 8.3.2
 Case C-719/20 *Commission of the European Communities v. Republic of Austria* [2022] ECLI:EU:C:2022:372 | 6.2.2
 Case C 391/20 *Cilevičs and Others* [2022] EU:C:2022:638 | 7.3.2
 Case C-179/20 *Fondul Proprietatea* [2022] ECLI:EU:C:2022:58 | 8.3.2
 Case C 50/21 *Prestige and Limousine* [2022] ECLI:EU:C:2022:997 | 7.3.1
 Case C-261/20 *Thelen Technopark Berlin* [2022] ECLI:EU:C:2022:33 | 8.2
 Case C 492/21 *Casa Regina Apostolorum* [2023] ECLI:EU:C:2023:354 | 8.2
 Case C-292/21 *CNAE* [2023] ECLI:EU:C:2023:32 | 8.4.1

General Court of the European Union

Case T-203/96 *Embassy Limousines* [1998] ECR II-4239 | 3.4.3
 Case T-14/96 *Bretagne Angleterre Irlande (BAI) v. Commission of the European Communities* [1999] ECR II-139, ECLI:EU:T:1999:12 | 2.4.1, 2.4.2
 Joined Cases T-191/96 and T-106/97 *CAS Succhi di Frutta* [1999] ECR II-3181 | 3.4.3
 Joined Cases T-298/97, T-312/97 etc. *Alzetta* [2000] ECLI:EU:T:2000:151 | 5.4.1
 Case T-89/07 *VIP Car Solutions* [2009] ECR II-1403 | 3.4.3
 Case T-258/06 *Federal Republic of Germany v. European Commission* [2010] ECLI:EU:T:2010:214 | 2.4.1
 Case T-366/00 *Scott v. Commission* [2010] ECR II-797 | 5.4.2
 Case T-461/08 *Evropaïki Dynamiki v. EIB* [2011] ECR II-6367 | 3.4.3
 Case T-297/05 *IPK International v. Commission* [2011] ECR II-01859, ECLI:EU:T:2011:185 | 4.3, 4.4.3, 8.3.2, 10.4.3
 Case T-565/08 *Corsica Ferries France* [2012] ECLI:EU:T:2012:415 | 5.4.2
 Joined Cases T-268/08 and T-281/08 *Land Burgenland and Austria v. Commission* [2012] ECLI:EU:T:2012:90 | 5.4.2
 Case T-123/09 *Ryanair v. Commission* [2012] ECLI:EU:T:2012:164 | 5.4.3
 Case T-274/01 *Valmont v. Commission* [2012] ECR II-3145 | 5.4.1
 Case T-319/11 *ABN Amro Group NV* [2014] ECLI:EU:T:2014:186 | 5.4.2
 Case T-488/11 *Sarc v. Commission* [2014] ECLI:EU:T:2014:497 | 5.4.2
 Case T-28/16 *Germany v. Commission* [2017] ECLI:EU:T:2017:242 | 4.4.2, 7.3.2
 Case T-356/15 *Republic of Austria v. European Co* [2018] ECLI:EU:T:2018:439 | 5.4.1