

The Boundaries of the EU Internal Market

The book examines the twofold ‘boundaries’ of the concept of the European Union’s internal market – the geographical and the substantive – through the prism of expanding the internal market to third countries without enlarging the Union. The book offers a comprehensive analysis of the conditions under which the internal market can effectively be extended to third countries by exporting EU *acquis* via international agreements without sacrificing its defining characteristics. Theoretical rather than empirical in approach, the book scrutinises and meticulously questions the required level of uniformity within flexible integration relating to the substantive scope of the internal market, the role of foundational principles in the European Union’s market edifice and the institutional framework necessary for granting third country actors full participation in the internal market while safeguarding the autonomy of the Union’s legal order.

Marja-Liisa Öberg is Senior Lecturer in European Union Law at the Faculty of Law, Lund University.

Cambridge Studies in European Law and Policy

The focus of this series is European law broadly understood. It aims to publish original monographs in all fields of European law, from work focusing on the institutions of the EU and the Council of Europe to books examining substantive fields of European law as well as examining the relationship between European law and domestic, regional and international legal orders. The series publishes works adopting a wide variety of methods: comparative, doctrinal, theoretical and interdisciplinary approaches to European law are equally welcome, as are works looking at the historical and political facets of the development of European law and policy. The main criterion is excellence i.e. the publication of innovative work, which will help to shape the legal, political and scholarly debate on the future of European law.

Joint Editors

Professor Mark Dawson
Hertie School of Governance, Berlin
Professor Dr Laurence Gormley
University of Groningen
Professor Jo Shaw
University of Edinburgh

Editorial Advisory Board

Professor Kenneth Armstrong, *University of Cambridge*
Professor Catherine Barnard, *University of Cambridge*
Professor Richard Bellamy, *University College London*
Professor Marise Cremona, *European University Institute, Florence*
Professor Michael Dougan, *University of Liverpool*
Professor Dr Jacqueline Dutheil de la Rochère, *University of Paris II Pantheon-Assas*,
Director of the Centre for European Law, Paris
Professor Daniel Halberstam, *University of Michigan*
Professor Dora Kostakopoulou, *University of Warwick*
Professor Dr Ingolf Pernice, *Director of the Walter Hallstein Institute, Humboldt*
University of Berlin
Judge Sinisa Rodin, *Court of Justice of the European Union*
Professor Eleanor Spaventa, *Università Bocconi*
Professor Neil Walker, *University of Edinburgh*
Professor Stephen Weatherill, *University of Oxford*

Books in the Series

The Boundaries of the EU Internal Market: Participation Without Membership
Marja-Liisa Öberg

The Currency of Solidarity: Constitutional Transformation during the Euro Crisis
Vestert Borger

Empire of Law: Nazi Germany, Exile Scholars and the Battle for the Future of Europe
Kaius Tuori

In the Court We Trust: Cooperation, Coordination and Collaboration between the European Court of Justice and Supreme Administrative Courts
Rob van Gestel and Jurgen de Poorter

Beyond Minimum Harmonisation: Gold-Plating and Green-Plating of European Environmental Law
Lorenzo Squintani

The Politics of Justice in European Private Law: Social Justice, Access Justice, Societal Justice
Hans Micklitz

The Transformation of EU Treaty Making: The Rise of Parliaments, Referendums and Courts Since 1950
Dermot Hodson and Imelda Maher

Redefining European Economic Integration
Dariusz Adamski

Human Rights in the Council of Europe and the European Union: Achievements, Trends and Challenges
Steven Greer, Janneke Gerards and Rosie Slowe

Core Socio-Economic Rights and the European Court of Human Rights
Ingrid Leijten

Green Trade and Fair Trade in and with the EU: Process-based Measures within the EU Legal Order
Laurens Ankersmit

New Labour Laws in Old Member States: Trade Union Responses to European Enlargement
Rebecca Zahn

The Governance of EU Fundamental Rights
Mark Dawson

The International Responsibility of the European Union: From Competence to Normative Control
Andrés Delgado Casteleiro

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

Frontex and Non-Refoulement: The International Responsibility of the EU
Roberta Mungianu

Gendering European Working Time Regimes: The Working Time Directive and the Case of Poland
Ania Zbyszewska

EU Renewable Electricity Law and Policy: From National Targets to a Common Market
Tim Maxian Rusche

European Constitutionalism
Kaarlo Tuori

Brokering Europe: Euro-Lawyers and the Making of a Transnational Polity
Antoine Vauchez

Services Liberalization in the EU and the WTO: Concepts, Standards and Regulatory Approaches
Marcus Klamert

Referendums and the European Union: A Comparative Enquiry
Fernando Mendez, Mario Mendez and Vasiliki Triga

The Allocation of Regulatory Competence in the EU Emissions Trading Scheme
Josephine Van Zeben

The Eurozone Crisis: A Constitutional Analysis
Kaarlo Tuori and Klaus Tuori

International Trade Disputes and EU Liability
Anne Thies

The Limits of Legal Reasoning and the European Court of Justice
Gerard Conway

New Governance and the Transformation of European Law: Coordinating EU Social Law and Policy
Mark Dawson

The Lisbon Treaty: A Legal and Political Analysis
Jean-Claude Piris

The European Union's Fight against Corruption: The Evolving Policy towards Member States and Candidate Countries
Patrycja Szarek-Mason

The Ethos of Europe: Values, Law and Justice in the EU
Andrew Williams

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

State and Market in European Union Law: The Public and Private Spheres of the Internal Market before the EU Courts
Wolf Sauter and Harm Schepel

The European Civil Code: The Way Forward
Hugh Collins

Ethical Dimensions of the Foreign Policy of the European Union: A Legal Appraisal
Urfan Khaliq

Implementing EU Pollution Control: Law and Integration
Bettina Lange

European Broadcasting Law and Policy
Jackie Harrison and Lorna Woods

The Transformation of Citizenship in the European Union: Electoral Rights and the Restructuring of Political Space
Jo Shaw

The Constitution for Europe: A Legal Analysis
Jean-Claude Piris

The European Convention on Human Rights: Achievements, Problems and Prospects
Steven Greer

Social Rights and Market Freedom in the European Constitution: A Labour Law Perspective
Stefano Giubboni

EU Enlargement and the Constitutions of Central and Eastern Europe
Anneli Albi

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

The Boundaries of the EU Internal Market

Participation without Membership

Marja-Liisa Öberg
Lund University



Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, 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
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org
Information on this title: www.cambridge.org/9781108499729
DOI: 10.1017/9781108584531

© Marja-Liisa Öberg 2020

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.

First published 2020

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

Library of Congress Cataloging-in-Publication Data

Names: Öberg, Marja-Liisa, author.

Title: The boundaries of the EU internal market : participation without membership / Marja-Liisa Öberg, Örebro University.

Other titles: Boundaries of the European Union internal market

Description: Cambridge, United Kingdom ; New York, NY : Cambridge University Press, 2020. | Series: Cambridge studies in European law and policy | Includes index.

Identifiers: LCCN 2020019432 (print) | LCCN 2020019433 (ebook) | ISBN 9781108499729 (hardback) | ISBN 9781108584531 (epub)

Subjects: LCSH: Trade regulation – European Union countries. | European Union countries – Economic integration.

Classification: LCC KJE6569 .O24 2020 (print) | LCC KJE6569 (ebook) | DDC 343.2407–dc23

LC record available at <https://lcn.loc.gov/2020019432>

LC ebook record available at <https://lcn.loc.gov/2020019433>

ISBN 978-1-108-49972-9 Hardback

Cambridge University Press 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.

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

To Jacob, August and Teodor

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

Contents

<i>Series Editors' Preface</i>	page xv
<i>Acknowledgements</i>	xvii
<i>Table of Cases</i>	xix
<i>Table of Legislation</i>	xxix
<i>List of Abbreviations</i>	xli
1 Introduction	1
2 Expanding the Internal Market: The Phenomenon	9
2.1 Gradual Integration of Third Countries into the Wider Area of Cooperation in Europe	10
2.2 Trade Liberalisation through Establishing an FTA or a Customs Union	15
2.3 (Pre-) Pre-accession	19
2.4 Expanding the Internal Market	22
2.5 Managing the Relationship between the Union and a Former Member or Associated State	32
2.6 Conclusion	36
Part I Expanding the Internal Market: The Concept	39
3 Internal Market Acquis: The Concept	41
3.1 Defining the Internal Market	41
3.2 Defining the Acquis	49
3.3 Economic Principles of the Internal Market	56

XII CONTENTS

3.4	Non-economic Considerations in the Internal Market	61
3.5	EU Citizenship	82
3.6	Sectoral Internal Market	85
3.7	Conclusion	89
4	Internal Market: Unity	91
4.1	Integration in the Internal Market	92
4.2	Disintegration in the Internal Market	99
4.3	Integration and Disintegration in the Expanded Internal Market	112
4.4	Conclusion	127
5	Internal Market: The Constitutional Context	129
5.1	The Effect of Internal Market Provisions in the National Legal Orders	129
5.2	The Hierarchy of Norms and Rules of Conflict between Internal Market Rules and National Legislation	146
5.3	The Effective Application and Enforcement of the Internal Market Rules	152
5.4	Conclusion	178
Part II	<i>Expanding the Internal Market: Institutional Implications</i>	181
6	Autonomy of the EU Legal Order	183
6.1	Autonomy of the EU Legal Order: The Concept	183
6.2	The Implications of Autonomy for Expanding the Internal Market	194
6.3	Conclusion	215
7	Institutional Framework: Defining the Core of the Internal Market	217
7.1	Exporting Internal Market Acquis to Third Countries	218
7.2	Actors Defining the Core of the Internal Market	232
7.3	Conclusion	256

8 Institutional Framework: Safeguarding the Core of the Internal Market	259
8.1 Safeguarding Homogeneity: Centralising Dynamics	259
8.2 Safeguarding Homogeneity: Decentralising Dynamics	278
8.3 Conclusion	294
9 Conclusion: Internal Market - United in Everything but Membership?	296
<i>Bibliography</i>	306
<i>Index</i>	320

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)

Series Editors' Preface

This fascinating book seeks to conceptualise the extension of the European Union's internal market to third countries without membership of the EU and to provide a legal analysis of the twofold 'boundaries' of the concept of the internal market. These boundaries are principally geographical but also have a substantive dimension. The book offers a comprehensive analysis of the conditions under which the internal market can be effectively expanded by exporting the *acquis* to allow for the participation of third countries without sacrificing its defining characteristics. This work is most timely in view of Brexit and the negotiations on the future relationship between the European Union and the United Kingdom, but its canvas stretches way beyond Brexit issues to examine the substantive scope of the internal market, the required level of uniformity within flexible integration, the role of foundational principles in the EU's market edifice and the institutional framework and related concerns (such as the autonomy of the EU's legal order which is keenly guarded by the Court of Justice) of extending the internal market beyond the Union's borders. Instead of looking at the effectiveness of norms transport from the point of view of the third countries involved, the book discusses the limits of integration from the perspective of EU constitutional law.

Exporting the Union's *acquis* is scarcely a new idea; the European Economic Area (EEA) is the most celebrated instance of this working extremely well for many years. Öberg uses the EEA Agreement and three sectoral treaties: the Energy Community Treaty, the European Common Aviation Area Agreement and the Transport Community Treaty as case studies illustrating the challenges of setting up institutions and procedures which respect both the autonomy of the EU legal order and the sovereignty of the contracting parties, while seeking to

XVI SERIES EDITORS' PREFACE

achieve and maintain homogeneity in the expanded internal market. These four treaties in fact establish homogeneous markets within a wide region rather than between the EU and individual third countries. The extent of market integration envisaged and achieved, generally in the case of the EEA, and in specific sectors in the case of the others, involves the third countries engaging in extensive commitments to adhere to the EU *acquis*. Like the EU itself, they go much further than bilateral agreements. Accordingly, these multilateral case studies demonstrate feasible responses to the challenges of setting up elaborate institutions and procedures to support the achievement and maintenance of homogeneity in a legal space founded upon the EU *acquis*, while at the same time respecting the EU legal order's inherent limits to the EU's exportation of norms.

The analysis in this book is both dynamic and invigorating, and it deserves to be read widely; academics, postgraduate students and legal practitioners will find much wisdom over which to mull, and decision-makers and influencers will read it to their profit. Accordingly, we are very pleased indeed to welcome this latest addition to the series Cambridge Studies in European Law and Policy.

Mark Dawson
Laurence Gormley
Jo Shaw

Acknowledgements

This book is a revised version of the PhD thesis I defended at the European University Institute (EUI) in September 2015. Many people have contributed to the writing of this book, directly and indirectly, and to them I owe great gratitude. Professor Marise Cremona, my PhD supervisor, has provided many valuable insights and respectful guidance in shaping this work. Professor Loïc Azoulay has shown great enthusiasm for the research and acted as a truly inspiring academic. The valuable and challenging comments from Professor Christophe Hillion and Professor Stephen Weatherill and the fruitful discussion at the thesis defence have greatly contributed to the writing of this book.

I am very grateful to Tom Randall, Gemma Smith and Becky Jackaman at Cambridge University Press for their kind assistance and patience, and the Series Editors for their trust and encouragement. I also thank Kate McIntosh for compiling the index and Gayathri Tamilselvan and Akash Udayakumar for copy-editing the manuscript.

Some parts of this book are based on previously published material. Chapter 2 has been published as ‘Internal Market Acquis as a Tool in EU External Relations: From Integration to Disintegration’ (2020) 47 *Legal Issues of Economic Integration* 151; a part of Chapter 5, Section 5.3.1.3 in ‘From EU Citizens to Third Country Nationals: The Legacy of *Polydor*’ (2016) 22(1) *European Public Law* 97, republished in A Biondi and P Birkinshaw (eds.), *Britain Alone! The Implications and Consequences of United Kingdom Exit from the EU* (Kluwer Law International 2016) 199; and Chapter 6 as ‘Autonomy of the EU Legal Order: A Concept in Need of Revision?’ (2020) 26 *European Public Law*.

I have had the opportunity to work in several fantastic research environments, most recently at the EUI and at Lund University. The success of this project owes much to the wonderful staff at the EUI and

XVIII ACKNOWLEDGEMENTS

to my supportive colleagues at the Faculty of Law at Lund University. During the writing of this book, I enjoyed the privilege of long uninterrupted research time owing to generous funding by the Ragnar Söderberg Foundation.

Many other EUI professors, fellow researchers and participants at workshops and conferences have during the years contributed to this book with helpful questions, comments, discussions and generous assistance with otherwise inaccessible materials. Jacqueline Breidlid, in particular, has provided me with crucial ‘insider information’ about the functioning of the EEA, and Ranyta Yusran with the nuances of public international law.

Lastly, my precious family have given me much love and support during the long writing process. Jacob has tirelessly cared for us all during the most intense periods, proofread the drafts and provided invaluable insights. August and Teodor have wonderfully been just who they are and a constant reminder of why academic work, however rewarding, cannot be everything.

Table of Cases

Court of Justice of the European Union

Court of Justice

- Joined Cases 7/56 and 3–7/57 *Alegra v. Common Assembly* EU:C:1957:7
Case 1/58 *Stork v. High Authority* EU:C:1959:4
Case 30/59 *Gezamenlijke Steenkolenmijnen* EU:C:1961:2
Case 6/60 *Humblet* EU:C:1960:48
Case 26/62 *Van Gend en Loos* EU:C:1963:1
Case 6/64 *Costa v. ENEL* EU:C:1964:66
Case 32/65 *Italy v. Council and Commission* EU:C:1966:42
Case 14/68 *Walt Wilhelm* EU:C:1969:4
Case 29/69 *Stauder* EU:C:1969:57
Case 77/69 *Commission v. Belgium* EU:C:1970:34
Case 9/70 *Grad v. Finanzamt Traunstein* EU:C:1970:78
Case 11/70 *Internationale Handelsgesellschaft* EU:C:1970:114
Case 22/70 *Commission v. Council (AETR)* EU:C:1971:32
Case 40/70 *Sirena v. Eda* EU:C:1971:18
Case 93/71 *Leonensio v. Ministero dell' Agricoltura e Foreste* EU:C:1972:39
Case 6/72 *Continental Can* EU:C:1973:22
Joined Cases 21–24/72 *International Fruit Company* EU:C:1972:115
Case 39/72 *Commission v. Italy* EU:C:1973:13
Case 4/73 *Nold* EU:C:1974:51
Case 152/73 *Sotgiu* EU:C:1974:13
Case 166/73 *Rheinmühlen I* EU:C:1974:3
Case 167/73 *Commission v. France (French Seamen)* EU:C:1974:35
Case 181/73 *Haegeman* EU:C:1974:41
Case 192/73 *Hag I* EU:C:1974:72
Opinion 1/75 *Re Understanding on a Local Costs Standard* EU:C:1975:145

XX TABLE OF CASES

- Case 36/75 *Rutili* EU:C:1975:137
Case 43/75 *Defrenne II* EU:C:1976:56
Case 59/75 *Manghera* EU:C:1976:14
Case 87/75 *Bresciani* EU:C:1976:18
Opinion 1/76 *European laying-up fund for inland waterway vessels* EU:C:1977:63
Case 26/76 *Metro v. Commission* EU:C:1977:167
Case 33/76 *Rewe* EU:C:1976:188
Case 45/76 *Comet* EU:C:1976:191
Joined Cases 80/77 and 81/77 *Commissionnaires Réunis v. Receveur des Douanes* EU:C:1978:87
Case 106/77 *Simmmenthal* EU:C:1978:49
Case 149/77 *Defrenne III* EU:C:1978:130
Case 120/78 *Rewe-Zentral AG v. Bundesmonopolverwaltung für Branntwein (Cassis de Dijon)* EU:C:1979:42
Case 128/78 *Commission v. United Kingdom* EU:C:1979:32
Case 52/79 *Debauve* EU:C:1980:83
Case 61/79 *Denkavit II* EU:C:1980:100
Case 91/79 *Commission v. Italy* EU:C:1980:85
Case 130/79 *Express Dairy Foods* EU:C:1980:155
Case 149/79 *Commission v. Belgium* EU:C:1982:195
Case 193/80 *Commission v. Italy* EU:C:1981:298
Case 270/80 *Polydor v. Harlequin Records* EU:C:1982:43
Case 15/81 *Gaston Schul* EU:C:1982:135
Case 17/81 *Pabst & Richarz* EU:C:1982:129
Case 54/81 *Fromme* EU:C:1982:142
Case 104/81 *Kupferberg* EU:C:1982:362
Case 261/81 *Walter Rau Lebensmittelwerke v. De Smedt* EU:C:1982:382
Case 283/81 *CILFIT* EU:C:1982:335
Joined Cases 75/82 and 117/82 *Razzouk and Beydoun v. Commission* EU:C:1984:116
Joined Cases 286/82 and 26/83 *Luisi and Carbone* EU:C:1984:35
Case 14/83 *von Colson* EU:C:1984:153
Case 106/83 *Sermide v. Cassa Conguaglio Zucchero* EU:C:1984:394
Case 143/83 *Commission v. Denmark* EU:C:1985:34
Case 240/83 *ADBHU* EU:C:1985:59
Case 293/83 *Gravier* EU:C:1985:69
Case 137/84 *Mutsch* EU:C:1985:335
Case 152/84 *Marshall* EU:C:1986:84
Joined Cases 209–213/84 *Nouvelles Frontières* EU:C:1986:188

- Case 222/84 *Johnston* EU:C:1986:206
 Case 299/84 *Neumann* EU:C:1985:463
 Case 307/84 *Commission v. France* EU:C:1986:222
 Case 59/85 *Reed* EU:C:1986:157
 Case 66/85 *Lawrie-Blum* EU:C:1986:284
 Order of 5 March 1986 in Case 69/85 *Wünsche* EU:C:1986:104
 Case 314/85 *Foto-Frost v. Hauptzollamt Lübeck-Ost* EU:C:1987:452
 Case 12/86 *Demirel* EU:C:1987:400
 Case 80/86 *Kolpinghuis Nijmegen* EU:C:1987:431
 Case 302/86 *Commission v. Denmark (Danish Bottles)* EU:C:1988:421
 Joined Cases 46/87 and 227/88 *Hoechst v. Commission* EU:C:1989:337
 Case 143/87 *Stanton v. Inasti* EU:C:1988:378
 Case 186/87 *Cowan* EU:C:1989:47
 Case 265/87 *Schraeder* EU:C:1989:303
 Case 5/88 *Wachauf* EU:C:1989:321
 Case 103/88 *Fratelli Costanzo* EU:C:1989:256
 Joined Cases C-143/88 and C-92/89 *Zuckerfabrik Süderdithmarschen and Zuckerfabrik Soest* EU:C:1991:65
 Case C-10/89 *Hag II* EU:C:1990:359
 Case C-106/89 *Marleasing* EU:C:1990:395
 Case C-213/89 *Factortame* EU:C:1990:257
 Case C-260/89 *ERT v. DEP* EU:C:1991:254
 Case C-288/89 *Collectieve Antennevoorziening Gouda* EU:C:1991:323
 Case C-300/89 *Commission v. Council (Titanium dioxide)* EU:C:1991:244
 Joined Cases C-1/90 and C-176/90 *Aragonesa* EU:C:1991:327
 Joined Cases C-6/90 and C-9/90 *Francovich and Bonifaci* EU:C:1991:428
 Case C-18/90 *Kziber* EU:C:1991:36
 Case C-370/90 *Surinder Singh* EU:C:1992:296
 Opinion 1/91 *EEA I* EU:C:1991:490
 Case C-207/91 *Eurim-Pharm* EU:C:1993:278
 Case C-312/91 *Metalsa* EU:C:1993:279
 Opinion 1/92 *EEA II* EU:C:1992:189
 Case C-19/92 *Kraus* EU:C:1993:125
 Case C-91/92 *Faccini Dori v. Recreb* EU:C:1994:292
 Joined Cases C-92/92 and C-326/92 *Phil Collins* EU:C:1993:847
 Case C-398/92 *Mund & Fester v. Hatrex* EU:C:1994:52
 Joined Cases C-46/93 and C-48/93 *Brasserie du Pêcheur and Factortame* EU:C:1996:79
 Case C-55/93 *van Schaik* EU:C:1994:363
 Case C-312/93 *Peterbroeck* EU:C:1995:437

XXII TABLE OF CASES

- Case C-413/93 *Bosman* EU:C:1995:463
 Joined Cases C-430/93 and C-431/93 *Van Schijndel and Van Veen v. SPF* EU:C:1995:441
 Case C-469/93 *Chiquita Italia* EU:C:1995:435
 Case C-473/93 *Commission v. Luxemburg* EU:C:1996:263
 Opinion 1/94 *WTO* EU:C:1994:384
 Opinion 2/94 *ECHR I* EU:C:1996:140
 Case C-5/94 *Hedley Lomas* EU:C:1996:205
 Case C-13/94 *P. v. S. and Cornwall County Council* EU:C:1996:170
 Case C-233/94 *Deposit Guarantees* EU:C:1997:231
 Joined Cases C-34/95, C-35/95 and C-36/95 *De Agostini* EU:C:1997:344
 Case C-72/95 *Kraaijeveld* EU:C:1996:404
 Case C-171/95 *Tetik* EU:C:1997:31
 Case C-189/95 *Franzén* EU:C:1997:504
 Case C-265/95 *Commission v. France (Spanish Strawberries)* EU:C:1997:595
 Case C-337/95 *Parfums Christian Dior* EU:C:1997:517
 Case C-341/95 *Bettati* EU:C:1998:353
 Case C-50/96 *Schröder* EU:C:2000:72
 Case C-53/96 *Hermès v. FHT* EU:C:1998:292
 Joined Cases C-64/96 and C-65/96 *Uecker and Jacquet* EU:C:1997:285
 Case C-85/96 *Martínez Sala* EU:C:1998:217
 Case C-149/96 *Portugal v. Council* EU:C:1999:574
 Case C-176/96 *Lehtonen and Castors Braine* EU:C:2000:201
 Case C-200/96 *Metronome Musik* EU:C:1998:172
 Case C-355/96 *Silhouette* EU:C:1998:374
 Case C-126/97 *Eco Swiss* EU:C:1999:269
 Case C-140/97 *Rechberger* EU:C:1999:306
 Case C-224/97 *Ciola v. Land Vorarlberg* EU:C:1999:212
 Joined Cases C-270/97 and C-271/97 *Deutsche Post v. Sievers and Schrage* EU:C:2000:76
 Case C-293/97 *Standley and Metson* EU:C:1999:215
 Case C-424/97 *Haim* EU:C:2000:357
 Case C-6/98 *ARD* EU:C:1999:532
 Case C-187/98 *Commission v. Greece* EU:C:1999:535
 Case C-224/98 *D'Hoop* EU:C:2002:432
 Case C-281/98 *Angonese* EU:C:2000:296
 Case C-285/98 *Kreil* EU:C:2000:2
 Joined Cases C-300/98 and C-392/98 *Dior* EU:C:2000:688
 Case C-352/98 *P Bergaderm and Goupil* EU:C:2000:361

- Case C-376/98 *Germany v. Parliament and Council (Tobacco Advertising)* EU:
 C:2000:544
- Case C-377/98 *Netherlands v. Parliament and Council* EU:C:2001:523
- Case C-379/98 *PreussenElektra* EU:C:2001:160
- Case C-456/98 *Centrosteeel v. Adipol* EU:C:2000:402
- Case C-467/98 *Commission v. Denmark* EU:C:2002:625
- Case C-468/98 *Commission v. Sweden* EU:C:2002:626
- Case C-469/98 *Commission v. Finland* EU:C:2002:627
- Case C-471/98 *Commission v. Belgium* EU:C:2002:628
- Case C-472/98 *Commission v. Luxembourg* EU:C:2002:629
- Case C-475/98 *Commission v. Austria* EU:C:2002:630
- Case C-476/98 *Commission v. Germany* EU:C:2002:631
- Case C-63/99 *Gloszczuk* EU:C:2001:488
- Case C-184/99 *Grzelczyk* EU:C:2001:458
- Case C-235/99 *Kondova* EU:C:2001:489
- Case C-257/99 *Barkoci and Malik* EU:C:2001:491
- Case C-268/99 *Jany and Others* EU:C:2001:616
- Case C-413/99 *Baumbast* EU:C:2002:493
- Case C-453/99 *Courage and Crehan* EU:C:2001:465
- Case C-462/99 *Connect Austria v. Telekom-Control-Kommission* EU:
 C:2003:297
- Case C-513/99 *Concordia Bus Finland* EU:C:2002:495
- Opinion 1/00 *ECAA* EU:C:2002:231
- Case C-13/00 *Commission v. Ireland* EU:C:2002:184
- Case C-17/00 *De Coster* EU:C:2001:651
- Case C-50/00 *P Unión de Pequeños Agricultores* EU:C:2002:462
- Case C-60/00 *Carpenter* EU:C:2002:434
- Case C-94/00 *Roquette Frères* EU:C:2002:603
- Case C-112/00 *Schmidberger* EU:C:2003:333
- Case C-129/00 *Commission v. Italy* EU:C:2003:656
- Case C-162/00 *Pokrzepowicz-Meyer* EU:C:2002:57
- Case C-255/00 *Grundig Italiana* EU:C:2002:525
- Case C-438/00 *Deutscher Handballbund* EU:C:2003:255
- Case C-453/00 *Kühne & Heitz* EU:C:2004:17
- Case C-101/01 *Lindqvist* EU:C:2003:596
- Case C-171/01 *Wählergruppe Gemeinsam* EU:C:2003:260
- Case C-192/01 *Commission v. Denmark* EU:C:2003:492
- Case C-224/01 *Köbler* EU:C:2003:513
- Case C-245/01 *RTL Television* EU:C:2003:580
- Joined Cases C-397/01 to C-403/01 *Pfeiffer* EU:C:2004:584

XXIV TABLE OF CASES

- Case C-405/01 *Colegio de Oficiales de la Marina Mercante Española* EU:
C:2003:515
- Case C-439/01 *Cipra and Kvasnicka* EU:C:2003:31
- Case C-452/01 *Ospelt* EU:C:2003:493
- Case C-465/01 *Commission v. Austria* EU:C:2004:530
- Case C-36/02 *Omega* EU:C:2004:614
- Case C-41/02 *Commission v. Netherlands* EU:C:2004:762
- Case C-47/02 *Anker* EU:C:2003:516
- Case C-127/02 *Waddenzee* EU:C:2004:482
- Case C-138/02 *Collins* EU:C:2004:172
- Case C-286/02 *Bellio F.lli* EU:C:2004:212
- Case C-304/02 *Commission v. France* EU:C:2005:444
- Case C-131/03 *P Reynolds v. Commission* EU:C:2006:541
- Case C-173/03 *Traghetti del Mediterraneo* EU:C:2006:391
- Case C-210/03 *Swedish Match* EU:C:2004:802
- Case C-265/03 *Simutenkov* EU:C:2005:213
- Case C-320/03 *Commission v. Austria* EU:C:2005:684
- Case C-459/03 *Commission v. Ireland (MOX Plant)* EU:C:2006:345
- Case C-244/04 *Commission v. Germany* EU:C:2006:49
- Case C-258/04 *Ioannidis* EU:C:2005:559
- Case C-348/04 *Boehringer Ingelheim* EU:C:2007:249
- Case C-519/04 *P Meca Medina* EU:C:2006:492
- Case C-101/05 *A* EU:C:2007:804
- Case C-325/05 *Derin* EU:C:2007:442
- Case C-341/05 *Laval* EU:C:2007:809
- Case C-379/05 *Amurta* EU:C:2007:655
- Joined Cases C-402/05 P and C-415/05 P *Kadi and Al Barakaat* EU:
C:2008:461
- Case C-431/05 *Merck Genéricos* EU:C:2007:496
- Case C-432/05 *Unibet* EU:C:2007:163
- Case C-438/05 *Viking* EU:C:2007:772
- Case C-2/06 *Kempter* EU:C:2008:78
- Order of 10 July 2006 in Joined Cases C-14/06 and C-295/06 *Parliament and
Denmark v. Commission* EU:C:2006:452
- Case C-210/06 *Cartesio* EU:C:2008:723
- Case C-265/06 *Commission v. Portugal* EU:C:2008:210
- Case C-275/06 *Promusicae v. Telefónica de España* EU:C:2008:54
- Case C-33/07 *Jipa* EU:C:2008:396
- Case C-49/07 *MOTOE* EU:C:2008:376
- Case C-213/07 *Michaniki* EU:C:2008:731

- Case C-319/07 P 3 F v. *Commission* EU:C:2009:435
 Case C-524/07 *Commission v. Austria* EU:C:2008:717
 Case C-540/07 *Commission v. Italy* EU:C:2009:717
 Case C-135/08 *Rottmann v. Freistaat Bayern* EU:C:2010:104
 Case C-154/08 *Commission v. Spain* EU:C:2009:695
 Case C-351/08 *Grimme* EU:C:2009:697
 Case C-460/08 *Commission v. Greece* EU:C:2009:774
 Case C-541/08 *Fokus Invest* EU:C:2010:74
 Opinion 1/09 *Patents Court* EU:C:2011:123
 Case C-34/09 *Ruiz Zambrano* EU:C:2011:124
 Case C-52/09 *TeliaSonera* EU:C:2011:83
 Case C-70/09 *Hengartner and Gasser* EU:C:2010:430
 Case C-72/09 *Établissements Rimbaud* EU:C:2010:645
 Case C-196/09 *Miles and Others* EU:C:2011:388
 Case C-240/09 *Lesoochránárske zoskupenie VLK* EU:C:2011:125
 Case C-348/09 *P.I.* EU:C:2012:300
 Order of 15 July 2010 in Case C-493/09 *Commission v. Portugal* EU:C:2010:444
 Case C-101/10 *Pavlov and Famira* EU:C:2011:462
 Case C-434/10 *Aladzhev* EU:C:2011:750
 Case C-577/10 *Commission v. Belgium* EU:C:2012:814
 Case C-48/11 *Veronsaajien oikeudenvallvontayksikkö v. A* EU:C:2012:485
 Case C-221/11 *Demirkan* EU:C:2013:583
 Order of 19 January 2012 in Joined Cases T-289/11, T-290/11 and T-521/11 *Deutsche Bahn* EU:T:2012:20
 Case C-399/11 *Melloni* EU:C:2013:107
 Case C-425/11 *Ettwein* EU:C:2013:121
 Case C-431/11 *United Kingdom v. Council* EU:C:2013:589
 Case C-656/11 *United Kingdom v. Council* EU:C:2014:97
 Case C-85/12 *LBI v. Kepler Capital Markets* EU:C:2013:697
 Opinion 2/13 *ECHR II* EU:C:2014:2454
 Case C-81/13 *United Kingdom v. Council* EU:C:2014:2449
 Case C-284/16 *Achmea* EU:C:2018:158
 Opinion 1/17 *CETA* EU:C:2019:341
- General Court*
- Case T-115/94 *Opel Austria v. Council* EU:T:1997:3
 Case T-135/96 *UEAPME* EU:T:1998:128
 Joined Cases T-74/00, T-76/00, T-83/00, T-85/00, T-132/00, T-137/00 and T-141/00 *Artogodan* EU:T:2002:283

XXVI TABLE OF CASES

Case T-306/01 *Yusuf and Al Barakaat* EU:T:2005:331

Case T-315/01 *Kadi* EU:T:2005:332

Case T-289/03 *BUPA* EU:T:2008:29

Advocates General

Case 6/64 *Costa v. ENEL* EU:C:1964:51, Opinion of AG Lagrange

Case 80/70 *Defrenne I* EU:C:1971:43, Opinion of AG Dutheillet de Lamothe

Case 307/84 *Commission v. France* EU:C:1986:150, Opinion of AG Mancini

Case 344/87 *Bettray* EU:C:1989:113, Opinion of AG Jacobs

Case C-300/89 *Commission v. Council (Titanium dioxide)* EU:C:1991:115, Opinion of AG Tesouro

Joined Cases C-92/92 and C-326/92 *Phil Collins* EU:C:1993:276, Opinion of AG Jacobs

Joined Cases C-34/95, C-35/95 and C-36/95 *De Agostini* EU:C:1996:333, Opinion of AG Jacobs

Case C-110/95 *Yamanouchi* EU:C:1996:34, Opinion of AG Fennelly

Case C-53/96 *Hermès v. FHT* EU:C:1997:539, Opinion of AG Tesouro

Case C-321/97 *Andersson and Wakeras-Andersson* EU:C:1999:9, Opinion of AG Cosmas

Case C-129/00 *Commission v. Italy* EU:C:2003:319, Opinion of AG Geelhoed

Case C-452/01 *Ospelt* EU:C:2003:232, Opinion of AG Geelhoed

Case C-265/03 *Simutenkov* EU:C:2005:6, Opinion of AG Stix-Hackl

Joined Cases C-402/05 P and C-415/05 P *Kadi and Al Barakaat* EU:C:2008:11, Opinion of AG Poiares Maduro

Case C-438/05 *Viking* EU:C:2007:292, Opinion of AG Poiares Maduro

Case C-240/09 *Lesoochránárske zoskupenie VLK* EU:C:2010:436, Opinion of AG Sharpston

EFTA Court

Case E-1/94 *Restamark* [1994–1995] EFTA Ct Rep 15

Case E-2/94 *Scottish Salmon Growers* [1994–1995] EFTA Ct Rep 59

Joined Cases E-8/94 and E-9/94 *Mattel and Lego* [1994–1995] EFTA Ct Rep 113

Case E-1/95 *Samuelsson* [1994–1995] EFTA Ct Rep 145

Case E-5/96 *Nille* [1997] EFTA Ct Rep 30

Case E-6/96 *Wilhelmsen* [1997] EFTA Ct Rep 53

Case E-2/97 *Maglite* [1997] EFTA Ct Rep 127

Case E-3/97 *Opel Norge* [1998] EFTA Ct Rep 1

- Case E-7/97 *EFTA Surveillance Authority v. Norway* [1998] EFTA Ct Rep 62
 Case E-9/97 *Sveinbjörnsdóttir* [1998] EFTA Ct Rep 95
 Case E-3/98 *Rainford-Towning* [1998] EFTA Ct Rep 205
 Case E-5/98 *Fagtún* [1999] EFTA Ct Rep 51
 Case E-3/00 *Kellogg's* [2000–2001] EFTA Ct Rep 73
 Case E-1/01 *Einarsson* [2002] EFTA Ct Rep 1
 Case E-4/01 *Karlsson* [2002] EFTA Ct Rep 240
 Case E-6/01 *CIBA* [2002] EFTA Ct Rep 281
 Case E-2/02 *Bellona* [2003] EFTA Ct Rep 52
 Case E-3/02 *Paranova* [2003] EFTA Ct Rep 101
 Case E-2/03 *Ásgeirsson* [2003] EFTA Ct Rep 185
 Case E-1/04 *Fokus Bank* [2004] EFTA Ct Rep 11
 Case E-4/04 *Pedical* [2005] EFTA Ct Rep 1
 Joined Cases E-5/04, E-6/04 and E-7/04 *Fesil and Finnffjord* [2005] EFTA Ct Rep 117
 Order in Case E-9/04 *European Banking Federations* [2007] EFTA Ct Rep 74
 Case E-2/06 *EFTA Surveillance Authority v. Norway* [2007] EFTA Ct Rep 164
 Case E-1/07 *Criminal proceedings against A* [2007] EFTA Ct Rep 246
 Case E-8/07 *Nguyen* [2008] EFTA Ct Rep 224
 Joined Cases E-9/07 and E-10/07 *L'Oréal* [2008] EFTA Ct Rep 259
 Case E-2/10 *Kolbeinsson* [2009–2010] EFTA Ct Rep 234
 Case E-5/10 *Kottke* [2009–2010] EFTA Ct Rep 320
 Order of 25 March 2011 in Case E-14/10 *Konkurrenten.no* [2011] EFTA Ct Rep 266
 Case E-18/10 *EFTA Surveillance Authority v. Norway* [2011] EFTA Ct Rep 202
 Case E-2/11 *STX* [2012] EFTA Ct Rep 4
 Case E-13/11 *Granville* [2012] EFTA Ct Rep 400
 Case E-18/11 *Irish Bank* [2012] EFTA Ct Rep 592
 Case E-3/12 *Jonsson* [2013] EFTA Ct Rep 136
 Case E-15/12 *Wahl* [2013] EFTA Ct Rep 534
 Case E-26/13 *Gunnarsson* [2014] EFTA Ct Rep 254
- Other International Courts and Arbitral Tribunals*
- Acquisition of Polish Nationality*, Advisory Opinion, 1923 PCIJ Series B No 7
Jurisdiction of the Courts of Danzig, Advisory Opinion, 1928 PCIJ Series B No 15
Free Zones of Upper Savoy and the District of Gex, Order, 1929 PCIJ Series A No 22

XXVIII TABLE OF CASES

- Interpretation of Peace Treaties (second phase)*, Advisory Opinion, 1950 ICJ Reports 221
- Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, 1971 ICJ Reports 16
- Nuclear Tests (Australia v. France)*, Judgment, 1974 ICJ Reports 253
- Aegean Sea Continental Shelf*, Judgment, 1978 ICJ Reports 3
- Rainbow Warrior Affair (New Zealand v. France) (1990)* 20 RIAA 217
- Territorial Dispute (Libyan Arab Jarnahiriya/Chad)*, Judgment, 1994 ICJ Reports 6
- Kasikili/Sedudu Island (Botswana/Namibia)*, Judgment, 1999 ICJ Reports 1045
- Report of the Panel, *European Communities – Customs Classification of Certain Computer Equipment (LAN case)*, WT/DS62/R, WT/DS67/R, WT/DS68/R
- National Courts*
- Germany**
- 1 BvR 248/63, 216/67 *EWG-Verordnungen* [1967] BVerfGE 22, 293
- 2 BvR 197/83 *Solange II* [1986] BVerfG 73, 339
- 2 BvR 2134, 2159/92 *Maastricht* [1993] BVerfG, 89, 155
- 2 BvE 2/08 et al *Lissabon* [2009] BVerfG 123, 267
- Norway**
- Case HR-2013-00496-A STX (Norges Høyesterett, 5 March 2013)
- United Kingdom**
- James Buchanan & Co. Ltd. v. Babco Forwarding and Shipping (UK) Ltd.* [1978] AC 141
- Fothergill v. Monarch Airlines Ltd.* [1981] AC 251

Table of Legislation

European Union

Treaties

Treaty establishing the European Economic Community,
25 March 1957, 298 UNTS 3, 4 Eur YB 412.

Consolidated version of the Treaty on European Union [1997] OJ
C340/02

Treaty establishing the European Community (Consolidated version
2002) [2002] OJ C325/33

Consolidated version of the Treaty on European Union [2016] OJ
C202/13

Consolidated version of the Treaty on the Functioning of the European
Union [2016] OJ C202/47

Charter of Fundamental Rights of the European Union [2016] OJ
C202/389

Regulations

Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on
freedom of movement for workers within the Community [1968] OJ
L257/2

Council Regulation (EC) No 2062/94 of 18 July 1994 establishing
a European Agency for Safety and Health at Work [1994] OJ L216/1 as
amended by Council Regulations (EC) No 1643/95, 1654/2003 and
1112/2005

Council Regulation (EC) No 2894/94 of 28 November 1994 concerning
arrangements for implementing the Agreement on the European
Economic Area [1994] OJ L305/6

XXX TABLE OF LEGISLATION

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky [2004] OJ L96/1

Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers [2011] OJ L55/13

Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative [2011] OJ L65/1

Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and whose nationals are exempt from that requirement [2018] OJ L303/39

Directives

Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks [1989] OJ L40/1

Council Directive 90/364/EEC of 28 June 1990 on the right of residence [1990] OJ L180/26

Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity [1990] OJ L180/28

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts [1993] OJ L95/29

Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students [1993] OJ L317/59

Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by the Union des Confédérations de l'Industrie et des Employeurs d'Europe (UNICE), the Centre Européen de l'Entreprise Publique (CEEP) and the Confédération Européenne des Syndicats (ETUC) [1996] OJ L145/4

Directive 96/92/EC of the European Parliament and of the Council of 19 December 1996 concerning common rules for the internal market in electricity [1997] OJ L27/20

Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service [1998] OJ L15/14

- Directive 98/30/EC of the European Parliament and of the Council of 22 June 1998 concerning common rules for the internal market in natural gas [1998] OJ L204/1
- Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services [2002] OJ L108/51
- Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity and repealing Directive 96/92/EC [2003] OJ L176/37
- Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC [2003] OJ L176/57
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States [2004] OJ L158/77
- Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market [2006] OJ L367/36
- Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity [2009] OJ L211/55
- Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms [2013] OJ L176/338

Council Decisions

- Council Decision of 22 December 1994 amending the Protocol on the Statute of the Court of Justice of the European Community (94/993/EC) [1994] OJ L379/1
- Decision No 884/2004/EC of the European Parliament and of the Council of 29 April 2004 amending Decision No 1692/96/EC on Community guidelines for the development of the trans-European transport network [2004] OJ L167/1
- Council Decision (EU) 2017/1937 of 11 July 2017 on the signing, on behalf of the European Union, and provisional application of the Treaty establishing the Transport Community [2017] OJ L278/1

XXXII TABLE OF LEGISLATION

Commission Decisions

- Commission Decision of 20 May 1998 on the establishment of Sectoral Dialogue Committees promoting the Dialogue between the social partners at European level (98/500/EC) [1998] OJ L225/27
- Commission Decision of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training, C (2008) 6866 final

International Agreements

- Agreement establishing an association between the European Economic Community and Greece [1963] OJ L26/294
- Agreement establishing an association between the European Economic Community and Turkey [1964] OJ L217/3685
- Agreement between the European Economic Community and the State of Israel [1975] OJ L136/3
- Europe Agreement establishing an association between the EC and their Member States, and Poland [1993] OJ L348/1
- Agreement on the European Economic Area [1994] OJ L1/3
- Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice [1994] OJ L344/3
- Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part [1997] OJ L327/3
- Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Estonia, of the other part [1998] OJ L68/3
- Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis [1999] OJ L176/36
- Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part [2000] OJ L147/3
- Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons [2002] OJ L114/6
- Agreement between the European Community and the Swiss Confederation on Air Transport [2002] OJ L114/73

- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters done at Aarhus, Denmark, on 25 June 1998, approved by Council Decision 2005/370/EC of 17 February 2005 [2005] OJ L124/1
- Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part [2005] OJ L265/2
- Treaty establishing the Energy Community [2006] OJ L198/18
- Multilateral Agreement between the European Community and its Member States, the Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Republic of Iceland, the Republic of Montenegro, the Kingdom of Norway, Romania, the Republic of Serbia and the United Nations Interim Administration Mission in Kosovo on the establishment of a European Common Aviation Area [2006] OJ L285/3
- Euro-Mediterranean Aviation Agreement between the European Community and its Member States, of the one part, and the Kingdom of Morocco, of the other part [2006] OJ L386/57
- Stabilisation and Association Agreement between the EC and their Member States, of the one part, and the Republic of Albania, of the other part [2009] OJ L107/166
- Common Aviation Area Agreement between the European Union and its Member States and the Republic of Moldova [2012] OJ L292/3
- Common Aviation Area Agreement between the European Union and its Member States and Georgia [2012] OJ L321/3
- Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part [2014] OJ L161/3
- Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part [2014] OJ L260/4
- Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Georgia, of the other part [2014] OJ L261/4
- Treaty establishing the Transport Community [2017] OJ L278/3
- Comprehensive and Enhanced Partnership Agreement between the European Union and the Republic of Armenia [2018] OJ L23/4

XXXIV TABLE OF LEGISLATION

Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community [2020] OJ L29/7

Accession Documents

Joint Declaration on Common Foreign and Security Policy attached to the Treaty concerning the accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union [1994] OJ C241/381

Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community [2012] OJ L112/21

European Council

European Council, 'Conclusions of the Presidency – Edinburgh, 12 December 1992, Annex I Overall approach to the application by the Council of the subsidiarity principle and Article 3b of the Treaty on European Union' SN 456/92

European Council, 'Conclusions of the Presidency – Copenhagen, 21–22 June 1993' SN 180/1/93 REV 1

European Council, 'Conclusions of the Presidency – Corfu, 24–25 June 1994' SN 150/94

European Council, 'Conclusions of the Presidency – Essen, 9–10 December 1994' SN 300/94

European Council, 'Conclusions of the Presidency – Lisbon, 23–24 March 2000' SN 100/00

European Council, 'Conclusions of the Presidency – Feira, 19–20 June 2000' SN 200/00

European Council, 'Conclusions of the Presidency – Stockholm, 23–24 March 2001' SN 100/01

European Council, 'Conclusions – Brussels, 4 February 2011' EUCO 2/11 REV 1

European Council, Art. 50 Guidelines, EUCO XT 20001/18, 23 March 2018

European Commission

Commission, 'Conclusions of the first Summit Conference of the enlarged Community – Paris, 19–20 October 1972' Bulletin of the European Communities 10–1972

- Commission, 'White Paper - Completing the Internal Market' COM (85) 310 final
- Commission, 'Freedom of workers and access to employment in the public service of Member States - Commission action in respect of the application of Article 48(4) of the EEC Treaty' [1988] OJ C72/2
- Commission, 'Association Agreements with the countries of central and eastern Europe: a general outline' (Communication) COM (90) 398
- Commission, 'The application of the Agreement on social policy' (Communication) COM (93) 600 final
- Commission, 'The Europe Agreements and beyond: A Strategy for the countries of Central and Eastern Europe for Accession' (Communication) COM (94) 320 final
- Commission, 'White Paper - Preparation of the associated countries of Central and Eastern Europe for integration into the internal market of the Union' COM (95) 163 final
- Commission, 'White Paper - An Energy Policy for the European Union' COM (95) 682 final
- Commission, 'Proposal for a Council Directive on the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC' COM (1996) 26 final
- Commission, 'The Development of the Social Dialogue at Community level' (Communication) COM (96) 448 final
- Commission, 'The impact and effectiveness of the Single Market' (Communication) COM (96) 520 final
- Commission, 'Action Plan for the Single Market' (Communication) CSE (97) 1 final
- Commission, 'Adapting and promoting the social dialogue at Community level' (Communication) COM (1998) 322 final
- Commission, 'White Paper on Modernisation of the Rules Implementing Articles 85 and 86 of the EC Treaty' [1999] OJ C132/1
- Commission, 'The creation of the single European sky' (Communication) COM (1999) 614 final
- Commission, 'European Governance - A White Paper' (Communication) COM (2001) 428 final
- Commission, 'Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours' (Communication) COM (2003) 104 final
- Commission, 'European Neighbourhood Policy Strategy Paper' (Communication) COM (2004) 373 final

XXXVI TABLE OF LEGISLATION

- Commission, 'Developing the agenda for the Community's external aviation policy' (Communication) COM (2005) 79 final
- Commission, 'Implementing the Community Lisbon programme: Social services of general interest in the European Union' (Communication) COM (2006) 177 final
- Commission, 'Strengthening the European Neighbourhood Policy' (Communication) COM (2006) 726 final
- Commission, 'Extension of the major trans-European transport axes to the neighbouring countries' (Communication) COM (2007) 32 final
- Commission, 'The Internal Market for Goods: a cornerstone of Europe's competitiveness' (Communication) COM (2007) 35 final
- Commission, 'A single market for 21st century Europe' (Communication) COM (2007) 724 final
- Commission, 'Services of general interest, including social services of general interest: a new European commitment' (Communication) COM (2007) 725 final
- Commission, 'First Report on the implementation of the Single Sky Legislation: achievements and the way forward' (Communication) COM (2007) 845 final
- Commission, 'Instruments for a modernised single market policy' (Staff Working Document) SEC (2007) 1518 final
- Commission, 'The External Dimension of the Single Market Review' (Staff Working Document) SEC (2007) 1519
- Commission, 'Single European Sky II: towards more sustainable and better performing aviation' (Communication) COM (2008) 389 final
- Commission, 'Common Aviation Area with the Neighbouring Countries by 2010 - Progress Report' (Communication) COM (2008) 596 final
- Commission, 'Creation of a Common Aviation Area with Algeria' (Communication) COM (2008) 682 final
- Commission, 'Energy 2020 A strategy for competitive, sustainable and secure energy' (Communication) COM (2010) 639 final
- Commission, 'Framework for Commission Expert Groups: Horizontal Rules and Public Register' (Communication from the President to the Commission) C (2010) 7649 final
- Commission, 'Single Market Act: Twelve levers to boost growth and strengthen confidence; Working together to create new growth' (Communication) COM (2011) 206 final
- High Representative and Commission, 'A new response to a changing Neighbourhood' (Joint Communication) COM (2011) 303 final

- Commission, 'The EU and its neighbouring regions: A renewed approach to transport cooperation' (Communication) COM (2011) 415 final
- Commission, 'A Quality Framework for Services of General Interest in Europe' (Communication) COM (2011) 900 final
- Commission, 'Proposal for a Council Decision on the position to be taken on behalf of the European Union within the EEC-Turkey Association Council with regard to the provisions on the coordination of social security systems' COM (2012) 152 final
- Commission, 'Accelerating the implementation of the Single European Sky' (Communication) COM (2013) 408 final
- Commission and High Representative, 'Review of the European Neighbourhood Policy' (Joint Communication) JOIN(2015) 50 final
- Commission, 'A Framework Strategy for a Resilient Energy Union with a Forward-Looking Climate Change Policy' (Communication) COM (2015) 80 final
- Commission and High Representative, 'Joint Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part' JOIN(2017) 37 final
- Commission, 'Fourth report on the State of the Energy Union' COM (2019) 175 final

Council

- Declaration of the Council of the European Communities and of the Representatives of the Governments of the Member States Meeting in the Council of 22 November 1973 on the Programme of Action of the European Communities on the Environment [1973] OJ C112/1
- Council Resolution of 25 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy [1975] OJ C92/1
- Council Resolution of 19 May 1981 on a second programme of the European Economic Community for a consumer protection and information policy [1981] OJ C133/1
- Council Resolution 94/C 368/03 of 6 December 1994 on certain aspects for a European Union social policy: a contribution to economic and social convergence in the Union [1994] OJ C368/6

XXXVIII TABLE OF LEGISLATION

Council, 'Conclusions on EU relations with EFTA countries' 3060th
 General Affairs Council meeting Brussels, 14 December 2010
 Council, 'Joint Declaration of the Eastern Partnership Summit -
 Warsaw, 29-30 September 2011' 14983/11

Other Institutions

European Parliament, 'Resolution on the Commission White Paper on
 European governance COM(2001) 428' A5-0399/2001,
 29 November 2001
 Court of Justice, 'Information Note on references from national courts
 for a preliminary ruling' [2005] OJ C 143/01
 Rules of Procedure of the European Parliament, 9th Parliamentary
 Term - December 2019

Declarations

Crete Declaration adopted at the Second Pan-European Transport
 Conference, Crete, Greece, 16 March 1994
 Barcelona Declaration adopted at the Euro-Mediterranean Conference,
 Barcelona, 27-28 November 1995
 Helsinki Declaration 'Towards a European Wide Transport Policy: A Set
 of Common Principles' adopted at the Third Pan-European Transport
 Conference, Helsinki, 25 June 1997
 Political Declaration setting out the framework for the future
 relationship between the European Union and the United Kingdom
 [2020] OJ C34/1

Press Releases

Commission, 'Future Relations between the Community and EFTA'
 (Press Release) P/89/72, 22 November 1989
 Commission, "'Common Economic Space" with Russia: Vice-
 President Verheugen and Russian Industry Minister agree on
 permanent framework for dialogue' (Press Release) IP/05/1547,
 7 December 2005
 Commission, 'A vision for the single market of the 21st century' (Press
 Release) IP/07/214, 21 February 2007
 Council, 'Joint Declaration of the Paris Summit for the Mediterranean -
 13 July 2008' (Press Release) 11887/08, 15 July 2008
 Council, 'Joint Declaration of the Prague Eastern Partnership Summit'
 (Press Release) 8435/09, 7 May 2009

'Conclusions of the 8th Union for the Mediterranean Trade Ministerial Conference – 9 December 2009' (Press Release) MEMO/09/547, 9 December 2009

Council, 'Joint Statement on the Partnership for Modernisation – 25th EU-Russia Summit, Rostov-on-Don, 31 May–1 June 2010' (Press Release) 10546/10, 1 June 2010

EEAS, 'New agreement signed between the European Union and Armenia set to bring tangible benefits to citizens' (Press Release) 24 November 2017 https://eeas.europa.eu/headquarters/headquarters-homepage/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens_en accessed 10 February 2020

'Council conclusions on enlargement and stabilisation and association process' (Press Release) 479/19, 18 June 2019

Speeches

De Clercq W, speech held at the EC-EFTA ministerial meeting, Interlaken, 20 May 1987, SPEECH/87/32

Prodi R, 'A Wider Europe – A Proximity Policy as the key to stability', speech held at the Sixth ECSA-World Conference 'Peace, Security And Stability International Dialogue and the Role of the EU', Brussels, 5–6 December 2002, SPEECH/02/619

International Legal Acts and Policy Documents

United Nations

Statute of the International Court of Justice, San Francisco, 1945, UKTS 67 (1946) UKTS 67 (1946) Cmd 7015

Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 331, 8 ILM 679

Declaration of the United Nations Conference on the Human Environment, Report of the United Nations Conference on the Human Environment (1972) A/CONF.48/14/Rev.1, 3

Articles on Responsibility of States for Internationally Wrongful Acts, General Assembly Resolution 56/83 of 12 December 2001, A/RES/56/83

International Law Commission

Draft Articles on the Law of Treaties with commentaries (1966) II Yearbook of the International Law Commission

XL TABLE OF LEGISLATION

Draft Articles on the Responsibility of International Organizations
 (2011) II Yearbook of the International Law Commission Part II

European Economic Area

Decision of the EEA Joint Committee No 158/2007 of
 7 December 2007 amending Annex V (Free movement of workers)
 and Annex VIII (Right of establishment) to the EEA Agreement
 that incorporated the Citizenship Directive into the EEA
 Agreement [2008] OJ L124/20

Joint Declaration by the Contracting Parties to Decision of the EEA Joint
 Committee No 158/2007 incorporating Directive 2004/38/EC of the
 European Parliament and of the Council into the Agreement [2008] OJ
 L124/20

Decision of the EEA Joint Committee No 160/2009 of 4 December 2009
 amending Protocol 31 to the EEA Agreement, on cooperation in
 specific fields outside the four freedoms [2010] OJ L62/67

EEA Joint Parliamentary Committee, 'EC comitology and the EEA'
 (Report and Resolution) M/20/R/029, 21 June 2011

Council of Europe

Convention for the Protection of Human Rights and Fundamental
 Freedoms, ETS No.005

Treaty Bodies

Decision 1/95 of the EC-Turkey Association Council of
 22 December 1995 on implementing the final phase of the Customs
 Union [1996] OJ L35/1

Memorandum of Understanding on the Regional Electricity Market in
 South East Europe and its Integration into the European Union
 Internal Electricity Market, 2002

Memorandum of Understanding on the Regional Energy Market in
 South East Europe and its Integration into the European Community
 Internal Energy Market, 2003, 15548/03/bis

Ministerial Council Decision 2008/03/MC-EnC implementing certain
 provisions of the Treaty and creating Energy Community Oil Forum
 Decision of the Ministerial Council of the Energy Community D/2013/
 03/MC-EnC on extending the duration of the Energy Community
 Treaty [2013] OJ L320/81

National Legal Acts

United States of America: Constitution

Abbreviations

AA	Association Agreement
AC	Appeal Cases
ACER	Agency for the Cooperation of Energy Regulators
ACP	African, Caribbean and Pacific
AETR Agreement	European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport
AFSJ	Area of Freedom, Security and Justice
AG	Advocate General
ARSIWA	Articles on the Responsibility of States for Internationally Wrongful Acts
ATM	Air Traffic Management
BIT	Bilateral Investment Treaty
BUSINESSEUROPE	Confederation of European Business
BVerfGE	Bundesverfassungsgericht
CAA	Common Aviation Area
CAP	Common Agricultural Policy
CCP	Common Commercial Policy
CEC	European Confederation of Executives and Managerial Staff
CEECs	Central and Eastern European Countries
CEEP	European Centre of Employers and Enterprises providing Public Services
CETA	EU-Canada Comprehensive Economic and Trade Agreement
CFI	Court of First Instance
CFSP	Common Foreign and Security Policy

XLII LIST OF ABBREVIATIONS

Cm	command paper
CSDP	Common Security and Defence Policy
CTP	Common Transport Policy
DCFTA	Deep and Comprehensive Free Trade Area
EA	Europe Agreement
EASA	European Union Aviation Safety Agency
EC	European Community
ECAA	European Common Aviation Area
ECHR	European Convention on Human Rights
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
EEA	European Economic Area
EEAS	European External Action Service
EEC	European Economic Community
EESC	European Economic and Social Committee
EFTA	European Free Trade Association
EFTA Ct Rep	Report of the EFTA Court
Eionet	European Environment Information and Observation Network
EMAA	Euro-Mediterranean Association Agreement
EMU	Economic and Monetary Union
EnCT	Energy Community Treaty
ENP	European Neighbourhood Policy
ESA	EFTA Surveillance Authority
ETS	European Treaty Series
ETUC	European Trade Union Confederation
EU	European Union
Eurocadres	Council of European Professional and Managerial Staff
Eur YB	European Yearbook
FTA	Free Trade Area/Agreement
GATT	General Agreement on Tariffs and Trade
HC	House of Commons
HL	House of Lords
ICJ	International Court of Justice
IGO	Inter-governmental Organisation
ILC	International Law Commission
ITLOS	International Tribunal for the Law of the Sea
MoU	Memorandum of Understanding
NEPIs	New Environmental Policy Instruments

OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal
OMC	Open Method of Co-ordination
P4M	Partnership for Modernisation
PCA	Partnership and Cooperation Agreement
PCIJ	Permanent Court of International Justice
PEC	Pan-European Corridors
PHLG	Permanent High Level Group
RIAA	Reports of International Arbitral Awards
RSC	Regional Steering Committee
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
SCA	Surveillance and Court Agreement
SEA	Single European Act
SEE	South East Europe
SEETO	South East Europe Transport Observatory
SES	Single European Sky
SESAR ATM	Single European Sky Air Traffic Management Research
SGEIs	Services of General Economic Interest
SMEunited	European Association of Craft, Small and Medium-Sized Enterprises
SNE	Seconded National Expert
SSC	Single Sky Committee
TCT	Transport Community Treaty
TEN-T	Trans-European Transport Network
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
TRIPs	Agreement on Trade-Related Aspects of Intellectual Property Rights
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises
UfM	Union for the Mediterranean
UN	United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo
VCLT	Vienna Convention on the Law of Treaties
WTO	World Trade Organization

Cambridge University Press
978-1-108-49972-9 — The Boundaries of the EU Internal Market
Marja-Liisa Öberg
Frontmatter
[More Information](#)
