

**THE LAW OF THE
EUROPEAN UNION
Documents Supplement**

*Carolina Academic Press
Law Casebook Series
Advisory Board*



Gary J. Simson, Chairman
Dean, Case Western Reserve University School of Law

Raj Bhala
University of Kansas School of Law

John C. Coffee, Jr.
Columbia University Law School

Randall Coyne
University of Oklahoma College of Law

John S. Dzienkowski
University of Texas School of Law

Paul Finkelman
Albany Law School

Robert M. Jarvis
*Shepard Broad Law Center
Nova Southeastern University*

Vincent R. Johnson
St. Mary's University School of Law

Michael A. Olivas
University of Houston Law Center

Kenneth Port
William Mitchell College of Law

Michael P. Scharf
Case Western Reserve University School of Law

Peter M. Shane
*Michael E. Moritz College of Law
The Ohio State University*

Emily L. Sherwin
Cornell Law School

John F. Sutton, Jr.
Emeritus, University of Texas School of Law

David B. Wexler
*John E. Rogers College of Law
University of Arizona*

**THE LAW OF THE
EUROPEAN UNION**
Documents Supplement

VOLUME 2

**Economic Law and
Common Policies**

CASES AND MATERIALS

Alain A. Levasseur

HERMANN MOYSE, SR. PROFESSOR OF LAW
DIRECTOR, EUROPEAN STUDIES
PAUL M. HEBERT LAW CENTER, LOUISIANA STATE UNIVERSITY

Richard F. Scott

DISTINGUISHED PROFESSOR OF INTERNATIONAL LAW
THOMAS JEFFERSON SCHOOL OF LAW

Arnaud Raynouard

PROFESSEUR, UNIVERSITÉ DES SCIENCES SOCIALES TOULOUSE I
VICE-RECTEUR, AFFAIRES EUROPÉENNES

Melchior Wathelet

PROFESSEUR DE DROIT EUROPÉEN
UNIVERSITÉS DE LOUVAIN-LA-NEUVE ET LIÈGE
FORMER JUDGE AT THE EUROPEAN COURT OF JUSTICE

CAROLINA ACADEMIC PRESS

Durham, North Carolina

Copyright © 2007
Alain A. Levasseur
Richard F. Scott
Arnaud Raynouard
Melchior Wathelet
All Rights Reserved

ISBN 10: 1-59460-356-1 ISBN 13: 978-1-59460-356-3
LCCN 2001091152

CAROLINA ACADEMIC PRESS
700 Kent Street
Durham, North Carolina 27701
Telephone (919) 489-7486
Fax (919) 493-5668
www.cap-press.com

Printed in the United States of America

Contents

Document I	Treaty on the European Union: TEU Excerpts	3
Document II	Consolidated Version of the Treaty Establishing the European Community [Excerpts]	11
Chapter One	Free Movement of Goods	87
Section 2.	The Prohibition of Quantitative Restrictions and All Measures Having Equivalent Effect	87
A:	Nature, purpose and scope of ECT Articles 28 and 29 (ex. Art. 30 and 34)	87
1.	Types of measures having equivalent effect	87
	COUNCIL REGULATION (EC) No 2679/98 of 7 December 1998	87
	Commission Directive 70/50/EEC of 22 December 1969	90
Chapter Three	Freedom of Movement of Workers	95
B:	The ‘Worker’s Family’	95
	DIRECTIVE 2004/38/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004	95
Chapter Five	Legal Profession: A Regulated Profession	97
	DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005	97
B:	Legal Profession: Establishment and Services	141
	Council Directive 77/249/EEC of 22 March 1977	141
C:	The Legal Profession and Secondary Sources of EC Law	143
1.	The Issue of Qualifications and Diplomas	143
	Council Directive 89/48/EEC of 21 December 1988	143
2.	The Practice of the Legal Profession under Directives 77/249 and 98/5	152
	Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998	152
Chapter Six	Freedom of Movement of Capital: The European Financial Area	163
	Council Directive 88/361/EEC of 24 June 1988	163
Chapter Seven	Common Commercial Policy (External Trade)	169
Section 3.	The Common External Tariff	169
A:	Customs Law and Policy	169

Agreement Establishing the World Trade Organization	169
COUNCIL REGULATION (EEC) No 2913/92 of 12 October 1992	178
B: The Common Commercial Policy in the Courts	187
“Cell phones and public safety” Prefetto Provincia di Cuneo v. Silvano Carbone	187
Section 4. Measures to Protect Trade against Dumping and Subsidies, and Safeguards	192
1994 General Agreement on Tariffs and Trade, Article VI	192
1994 General Agreement on Tariffs and Trade, Article XVI	195
Agreement on Subsidies and Countervailing Measures (SCM Agreement)	195
Protection against Subsidized Imports	199
Commission Regulation (EEC) No 1613/90 of 13 June 1990	200
WTO Secretariat: Agreement on Subsidies and Countervailing Measures	211
Chapter Eight Article 81 Prevention, Restriction, Distortion of Competition	213
C: Object or Effect of Agreements, Decisions, Concerted Practices ...	213
2. Vertical Agreements or Restraints	213
Commission Regulation (EC) No 2790/1999 of 22 December 1999	213
Chapter Ten Concentration and Merger	221
B: The 2004 Regulations on the Control of Concentrations	221
1. Council Regulation (EC) No 139/2004 of 20 January 2004 on the Control of Concentrations between Undertakings (the EC Merger Regulation)	221
Commission Regulation (EC) No 802/2004 of 7 April 2004	249
Chapter Eleven Enforcement of Competition Law	263
Introduction	263
EEC Council: Regulation No 17	263
Council Regulation (EC) No 1/2003 of 16 December 2002	272
B: Enforcement of Regulation (EC) 1/2003 and Regulation (EC) No 773/2004	295
Commission Regulation (EC) No 773/2004 of 7 April 2004	295
Chapter Thirteen Intellectual Property	303
A: Trademark	303
1. Trademark Approximation	303
First Council Directive 89/104/EEC of 21 December 1988	303
Section 2. Community Patent	312
Proposal for a COUNCIL REGULATION on the Community Patent (7119/04)	312
Section 3. Copyright and Related Rights in the Information Society	330
Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001	330

Chapter Fifteen	Agriculture in the European Union	339
	Section 4. CAP Reform in Perpetual Motion	339
	The Development and Future of the Common Agricultural Policy	339
Chapter Sixteen	Energy Law of the European Union	343
	Section 2. Energy Supply and Security: The Move to Enhanced International Cooperation	343
	B: The Natural Gas Supply Problem	343
	Gas Developments in the IEA	343
	Section 3. The Energy Charter Treaty (ECT): The EU Reaches to the East	344
	D: United States Views on the Charter Treaty	344
	Rules of the Game	344
Chapter Seventeen	Consumer Policy	347
	Section 3. The “Consumer Acquis”	347
	E: Distance Contracts	347
	Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997	347
	F: Unit Prices	350
	Appraisal of Directive 98/6/EC	350
	G: Injunctions	359
	DIRECTIVE 98/27/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 May 1998	359
	H: Sale of Goods and Associated Guarantees	362
	Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999	362
	I: Unfair Commercial Practices	367
	Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005	367

