

Flashcards: European Union

<p>Re Tachographs: The Commission v UK (1979)</p> <p>(failure to fulfil treaty obligations)</p>	<ul style="list-style-type: none"> • A regulation requiring mechanical recording equipment to be installed in lorries was issued • UK government left it to the lorry owners to decide whether or not to use such equipment • Regulations automatically became laws in Member States
<p>Van Duyn v Home Office (1974)</p> <p>(failure to fulfil treaty obligations)</p>	<ul style="list-style-type: none"> • Van Duyn, a Dutch national, claimed the British Government, through the Home Secretary, infringed TFEU article 45(3) by denying her an entry permit to work at the Church of Scientology. • UK government failed to implement The Free Movement of Workers Directive 64/221/EC article 3(1) • The European Court of Justice held that van Duyn could be denied entry if it was for reasons related to her personal conduct, as outlined in the Directive 64/22/EEC.
<p>Marshall v Southampton and Southampton Hampshire AHA (1986)</p> <p>(vertical direct effect)</p>	<ul style="list-style-type: none"> • Miss Marshall was required to retire aged 62, whereas men retired aged 65 = not discriminatory according to English law • Equal Treatment Directive 76/207 had not been fully implemented in the UK, so her claims against her employers was successful
<p>Frankovich v Italian Republic (1991)</p> <p>(horizontal direct effect)</p>	<ul style="list-style-type: none"> • The Italian government failed to implement a directive aimed at protecting wages of employees whose employer became insolvent • The claimant was unable to get wages from his firm, which went into liquidation • Court of Justice of the EU decided he was entitled to compensation
<p>Van Gend en Loos (1963)</p> <p>(EU law takes precedence over UK law)</p>	<ul style="list-style-type: none"> • Van Gend en Loos, a postal and transportation company, imported urea formaldehyde from West Germany to the Netherlands. • The authorities charged them a tariff on the import. Van Gend en Loos objected • Ignoring advocate opinion, the European Court of Justice held that Van Gend en Loos could recover the money it paid under the tariff.

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Factortame's case (1990)

(UK laws cannot contradict to the Treaty of Rome 1957)

- A judicial review case taken against the United Kingdom government by a company of Spanish fishermen who claimed that the United Kingdom had breached European Union law by requiring ships to have a majority of British owners if they were to be registered in the UK