

OXFORD

Studies In European Law

Constitutional Principles of EU External Relations

Geert De Baere

EUROPEAN

EUROPE

EUROPEAN

OXFORD STUDIES IN EUROPEAN LAW

General Editors: PAUL CRAIG AND GRÁINNE DE BÚRCA

Constitutional Principles of EU
External Relations

This page intentionally left blank

Constitutional Principles of EU External Relations

GEERT DE BAERE

OXFORD
UNIVERSITY PRESS

OXFORD

UNIVERSITY PRESS

Great Clarendon Street, Oxford OX2 6DP

Oxford University Press is a department of the University of Oxford.
It furthers the University's objective of excellence in research, scholarship,
and education by publishing worldwide in

Oxford New York

Auckland Cape Town Dar es Salaam Hong Kong Karachi
Kuala Lumpur Madrid Melbourne Mexico City Nairobi
New Delhi Shanghai Taipei Toronto

With offices in

Argentina Austria Brazil Chile Czech Republic France Greece
Guatemala Hungary Italy Japan Poland Portugal Singapore
South Korea Switzerland Thailand Turkey Ukraine Vietnam

Oxford is a registered trade mark of Oxford University Press
in the UK and in certain other countries

Published in the United States
by Oxford University Press Inc., New York

© Geert De Baere, 2008

The moral rights of the author have been asserted

Crown copyright material is reproduced under Class Licence
Number C01P0000148 with the permission of OPSI
and the Queen's Printer for Scotland

Database right Oxford University Press (maker)

First published 2008

All rights reserved. No part of this publication may be reproduced,
stored in a retrieval system, or transmitted, in any form or by any means,
without the prior permission in writing of Oxford University Press,
or as expressly permitted by law, or under terms agreed with the appropriate
reprographics rights organization. Enquiries concerning reproduction
outside the scope of the above should be sent to the Rights Department,
Oxford University Press, at the address above

You must not circulate this book in any other binding or cover
and you must impose the same condition on any acquirer

British Library Cataloguing in Publication Data

Data available

Library of Congress Cataloguing in Publication Data

Baere, G. de.

Constitutional principles of EU external relations / Geert de Baere.

p. cm.

Includes bibliographical references and index.

ISBN 978-0-19-954668-8 (alk. paper)

1. European Union countries—Foreign relations—Law and legislation.
2. European Union countries—Defenses. 3. Constitutional law—
European Union countries. 4. Treaty on European Union (1992).
Protocols, etc., 1997 Oct. 2. I. Title.

KJE5105.B34 2008

342.24'0412—dc22

2008036905

Typeset by Newgen Imaging Systems (P) Ltd., Chennai, India

Printed in Great Britain

on acid-free paper by

CPI Antony Rowe, Chippenham, Wiltshire

ISBN 978-0-19-954668-8

1 3 5 7 9 10 8 6 4 2

*Opgedragen in dankbare herinnering aan mijn moeder,
Greet Wellens (1941–2006)*

This page intentionally left blank

πόλιν δὲ . . . ταῦτα λόγον [sc. δεῖ] παραλαβοῦσαν, νόμον
θεμένην, αὐτῇ τε ὁμιλεῖν καὶ ταῖς ἄλλαις πόλεσιν.

*the polis . . . should make reason into a law for itself and be guided thereby
both internally and in its relations with other poleis.*

Plato, *Laws*, Book I, 645b.

This page intentionally left blank

General Editors' Preface

The area of external relations of the European Union, sometimes referred to as international or foreign relations, has been a significant growth area in recent years. But as the EU continues to develop and advance its role as a global actor, moving beyond the established fields of trade, development and cooperation policy to embrace many other important areas including aspects of foreign and security policy, the challenges posed by the complicated legal and decision-making framework for EU external relations become all the more evident.

The law of EC external relations has always been complex, even arcane, on account of the division of powers between the Community on the one hand and the member states on the other, involving confusing typologies of exclusive, shared, concurrent and complementary competences. But it has grown even more confusing with the emergence of the three-pillar structure of the Union following the Maastricht Treaty, as different sets of institutional and decision-making rules govern foreign relations under each of the pillars.

Geert De Baere's book tackles this challenging legal terrain by analysing the relationship between two significant areas of EU law: the supposed generality of its constitutional legal framework on the one hand, and the supposed specificity of its external relations on the other. His aim is to consider how the complex and multifaceted field of external relations fits into the constitutional framework of EU law. In a carefully structured and rigorously argued book, he examines the extent to which and the way in which the familiar constitutional law of the EU applies in the field of foreign policy. Taking the aspects of constitutional law which are most relevant to the area of external relations, he considers the principle of conferred power, the principle of primacy/supremacy, and the Community method of decision-making. The book is divided into two parts, the first part focusing on Community external relations under the first pillar, and the second part focusing on the common foreign and security policy under the second pillar. This enables him to contrast the way in which the same constitutional principles and rules apply to the law governing external relations under each of the two pillars.

The book is carefully and comprehensively researched, and contains a wealth of information about the operation of EU external relations law, in particular under the first and second pillars. It comprises thoughtful analysis and reflection on the shortcomings and trends within these areas, and ultimately suggests that the overall trend is not to 'communitarize' EU foreign policy, but rather to bring EU foreign relations gradually within the realm and the rule of law.

Overall the book therefore addresses an important and challenging set of questions for EU lawyers and scholars more generally. It should be of interest to all those concerned with the global role and identity of the EU, in particular to legal scholars and practitioners of EU law who are interested in foreign relations.

Paul Craig
Gráinne de Búrca

September 2008

Foreword

There are some concepts, within EU law, that are more existential than others. Most of us can understand the essential principles behind the single market and, against that background, appreciate the significance of the four freedoms. The topic that Geert De Baere addresses here is at the opposite end of the accessibility spectrum. As he truly states, 'Legal reflections on European Union foreign policy such as those contained in this book face the problem of dealing with two *sui generis* concepts: the EU, and foreign policy. The EU cannot be fitted easily within either constitutional or international law, and foreign policy has frequently been claimed to escape *any* grasp of law.' Moreover, in order to address the question of how foreign policy fits within the constitutional structures of the EU, Geert De Baere has to grapple simultaneously with the division of external relations competences between the EU and its constituent Member States (a division that he terms 'the vertical axis') and with the further division between the Community competences of the 'first pillar' and the common foreign and security policy ('CFSP') competences of the 'second pillar' (the 'horizontal axis').

In this study, Geert De Baere sets himself a formidable list of rather difficult questions to answer. Even within the first pillar, external relations are treated rather differently from ordinary 'internal' policies. How do the principles of conferral and primacy and the Community method of decision-making operate within Community external relations, as compared to their operation with respect to internal Community policies? Why are external relations under the second pillar so different from everything else that the EU attempts to do? Why (and to what extent) does that justify different institutional arrangements (in particular, a lesser degree of democratic accountability and a striking absence of judicial supervision)? What happens to conferral, primacy (in its more typical expression of exclusivity), and decision-making when we move from the first pillar to the second? Does the second pillar already form part of the 'new legal order' established by the EC Treaty and famously proclaimed by the Court in *Van Gend en Loos*? Would the Constitution—and will the Treaty of Lisbon—move the CFSP in the direction of communitarization?

Throughout his meticulous analysis, Geert De Baere does not shy away from asking awkward questions in his turn (even if he puts them with extreme courtesy and diffidence). He highlights the lack of proper involvement by the European Parliament and the dominant role played by the Council (already significant within the first pillar; and noticeably more pronounced within the second pillar). He points, for example, to the lack of a legal remedy if a CFSP measure has an impact on individuals without having to be implemented by either a Community act or a Member State act that would be challengeable. He wonders whether the

apparent impossibility of reconsidering the Court of Justice's role in the CFSP (yoked as it appears to be to the debate on the extension of the Community method of decision-making to the CFSP) should really mean that more moderate possibilities (such as a limited judicial review or a procedural review within the second pillar) remain unconsidered. The label 'foreign policy' still implies substantial limits on the operation of such core principles as accountability, the rule of law, and human rights (within the first pillar and even more within the second)—whilst these differences are to some extent justified, are they really as unassailable as is often presumed? How much of the problem stems from the underlying disjuncture between external economic relations (such as external trade, development cooperation, and economic aid), falling within the first pillar, and 'high politics' (diplomatic activity and security and defence issues), falling within the CFSP?

Geert De Baere provides both an analysis of the constitutional reality of EU foreign policy and a series of critical theoretical reflections, whilst suggesting possibilities for reform. This is a thoughtful and intellectually rigorous study. It will be of value to anyone who is prepared to invest the necessary time and effort to get to grips with this complex, difficult, and sensitive area of the EU's activities.

Eleanor Sharpston
*Advocate General at the Court of
Justice of the European Communities*

Acknowledgements

This book is an edited, updated, and revised version of my doctoral dissertation, defended at the University of Cambridge on 25 April 2007. I am indebted to many people whose help has been indispensable during the process of writing my dissertation and making the necessary revisions for its publication as a book. Professor Alan Dashwood CBE, who supervised my doctoral research, shared his immense knowledge and experience in the area with me very fully and generously. Most of what I know about EU external relations law, I learnt from him. Being examined by Professor Piet Eeckhout and Professor Christophe Hillion was both an honour and a pleasure. The Kenneth Polack Studentship at King's College, Cambridge, the Arts and Humanities Research Council, and the Cambridge European Trust together provided funding for my doctoral project. The Modern Law Review Scholarship funded my research at Columbia Law School. The Research Awards Committee of the Board of Graduate Studies of the University of Cambridge and King's College, Cambridge funded my final term in Cambridge. Advocate General Eleanor Sharpston QC was a great support throughout my time in Cambridge. It is a privilege now to work in her chambers at the Court of Justice in Luxembourg. Professor Philip Allott FBA and Professor Johan Meeusen provided the all-important inspiration and encouragement in conceiving the doctoral project. Professor Catherine Barnard, Dr William Burgwinkle, Dr Loraine Gelsthorpe, and Ms Penny Hayman were an immense support at crucial moments. Professor George Bermann and the people at the European Legal Studies Center in particular and at Columbia Law School in general provided a very pleasant temporary base during my all too short stay in New York City during the summer and autumn of 2005. Dr Gwen Booth and Ms Bethan Cousins at Oxford University Press, as well as the copy-editor, Mr Gary Hill and the proof reader Ms Margaret Humbert, have been as efficient as they have been kind and patient. Many people within and outside King's College and the Cambridge Faculty of Law, but equally across the Channel in Belgium, have provided inspiration, advice, and encouragement. Some have read and commented on various draft excerpts of my doctoral dissertation. Others have been available for various conversations on topics related to my dissertation or have provided me with invaluable references to further research material. Still others have just been there to listen to my endless perorations about my dissertation or anything vaguely related to it; though an honest application of that criterion would possibly require me to include everyone I met for more than two minutes during the last five years. Space prevents me from mentioning everyone I would like to thank personally, and I am aware that I am committing many a sin of omission, but I want to extend my special thanks to Dr Shantanu Agrawal, Dr Albertina Albors-Llorens, Professor John Bell QC, FBA, Dr May Chiu, Professor James Crawford SC, FBA,

Professor Guido De Baere SJ, Ms Maria de la Riva, Dr Sally Gore, Mr Brooks Hickman, Ms Alison Hirst, Ms Cath Howdle, Mr Angus Johnston, Mr Daniel Joyce, Judge Koen Lenaerts, the Rev. Richard Lloyd-Morgan, Dr Jonathan Mannering, Mr Henry Mares, Professor Susan Marks, Dr Delphine Mordey, Dr Alex Mills, Dr Roger O'Keefe, Dr Amanda Perreau-Saussine, Dr Emile Perreau-Saussine, Mr Jacob Rowbottom, Mr Joost Saveniers, Dr Andrej Savin, Dr David Scannell, Professor Joanne Scott, Mr Dennis Seeldrayers, Dr François Soyer, Dr Eleanor Spaventa, Dr Neta Spiro, Dr Nikolas Stürchler, Ms Kimberley Trapp, Dr Mark Turner, Dr Isabelle Van Damme, Mr Jan Van den Bossche, Mr Emmanuel Van de Putte, Dr Owain Vaughan, Ms Lutgart Wellens, and Ms Margaret Young. Finally, I could not have wished for more loving and encouraging parents: Mr and Mrs Hugo and Greet De Baere-Wellens. Bedankt, mama en papa.

GDB

Antwerp and Luxembourg
Easter 2008

Contents

<i>General Editors' Preface</i>	ix
<i>Foreword</i>	xi
<i>Acknowledgements</i>	xiii
<i>Abbreviations</i>	xxi
<i>Table of Cases</i>	xxiii
<i>Table of Legal Instruments and Other Documents</i>	xxxi

Introduction	1
--------------	---

PART ONE: EC EXTERNAL RELATIONS

1. Conferral	9
1.1 Introduction	9
1.2 Explicit Attribution	11
1.2.1 The EC Treaty	11
1.2.2 The Treaty of Lisbon	15
1.3 Implied External Relations Competences	16
1.3.1 Introduction	16
1.3.2 Capacity v competence	18
1.3.3 Existence or nature	20
1.3.4 Specific competences	21
1.3.5 ERTA-competence	21
1.3.6 Complementarity	23
1.4 General Legal Bases in the EC Treaty and the Existence of External Competences	29
1.5 Conclusion	31
2. Vertical Conflict Resolution in EC External Relations: Exclusivity and Non-exclusivity	33
2.1 Introduction	33
2.2 Conflict Resolution in Internal Community Matters: Direct Effect, Primacy and the New Legal Order	34
2.3 Conflict Resolution in Community External Relations: Exclusivity and Non-exclusivity	38
2.3.1 Introduction	38
2.3.2 Exclusivity	39
2.3.2.1 <i>The Treaty itself grants exclusive competence: a priori exclusivity</i>	39

2.3.2.2	<i>Exclusivity arising out of the exercise of Community internal competence: the ERTA doctrine</i>	43
2.3.2.3	<i>Exclusivity arising out of internal Community legislative acts</i>	51
2.3.2.4	<i>Exclusivity arising out of the fact that the internal and external aspects of the policy area can only be exercised effectively together</i>	52
2.3.2.5	<i>General legal bases in the EC Treaty and exclusive external competence</i>	58
2.3.2.6	<i>Effects of exclusivity</i>	59
2.3.3	Non-exclusivity	61
2.3.3.1	<i>Non-exclusive competence pending exercise of Community competence</i>	62
2.3.3.2	<i>Non-exclusive competence flowing from the legal basis for external action in the Treaty</i>	62
2.3.3.3	<i>Non-exclusive external competence on the basis of internal Community minimum standards</i>	65
2.3.3.4	<i>Non-exclusive competence in areas where Community and Member State competence can co-exist</i>	67
2.4	Categories of Competence in the Treaty on the Functioning of the European Union	67
2.4.1	Exclusive competences	68
2.4.2	Shared competences	70
2.5	Concluding Observations on Primacy and Exclusivity in Community External Relations	71
3.	The Community Method	73
3.1	Introduction	73
3.2	Autonomous Measures	74
3.2.1	Initiative stage	74
3.2.2	Decision-making stage	75
3.3	International Agreements	77
3.3.1	Introduction	77
3.3.2	Negotiation	79
3.3.3	Signature	83
3.3.4	Conclusion	84
3.3.5	Suspension (and termination)	89
3.3.6	Decision-making in a body set up by an international agreement	90
3.4	Implementation Stage	91
3.5	The Court of Justice in Community External Relations	93
3.6	Conclusions	96

PART TWO: THE COMMON FOREIGN AND SECURITY POLICY

4. The CFSP in Contrast with EC External Relations	101
4.1 Introduction	101
4.2 Conferral	101
4.2.1 The EU Treaty	101
4.2.2 'All areas' and the vertical and horizontal questions	106
4.2.3 The Constitution and the Treaty of Lisbon	108
4.3 CFSP Decision-Making Compared With the Community Method	112
4.3.1 Introduction	112
4.3.2 CFSP legal instruments for autonomous action	113
4.3.2.1 <i>Introduction</i>	113
4.3.2.2 <i>Common strategies</i>	113
4.3.2.3 <i>Joint actions</i>	115
4.3.2.4 <i>Common positions</i>	118
4.3.2.5 <i>Sui generis instruments</i>	119
4.3.2.6 <i>Enforceability</i>	122
4.3.2.7 <i>Legal instruments for the CFSP under the Constitution and the Treaty of Lisbon</i>	122
4.3.2.8 <i>Concluding remarks on CFSP legal instruments</i>	123
4.3.3 CFSP decision-making	125
4.3.3.1 <i>Introduction</i>	125
4.3.3.2 <i>An enhanced role for the European Council</i>	125
4.3.3.3 <i>The decision-making process: autonomous measures</i>	128
4.3.3.4 <i>The decision-making process: international agreements</i>	138
4.3.4 Implementation of CFSP acts	146
4.3.4.1 <i>General framework</i>	146
4.3.4.2 <i>Implementing the ESDP</i>	150
4.4 Conclusions	157
5. Democracy and the Rule of Law in EU Foreign Policy	159
5.1 Introduction	159
5.2 Legitimacy, Accountability, and Democracy in EU Foreign Policy	161
5.2.1 The European Parliament	161
5.2.2 National parliaments and EU foreign policy	167
5.2.3 Foreign policy and open government	169
5.3 The Rule of Law in the CFSP	176
5.3.1 Introduction	176
5.3.2 The Court of Justice of the European Communities and the CFSP	177
5.3.2.1 <i>Scope for judicial control under existing constitutional arrangements</i>	177
5.3.2.2 <i>The Treaty of Lisbon</i>	189

5.4	Conclusions	191
6.	The Dichotomy between EC External Relations and the CFSP	201
6.1	Introduction	201
6.2	The CFSP and the 'New Legal Order'	201
6.3	Changes Proposed by the Constitution and the Treaty of Lisbon	209
6.3.1	Legal order	209
6.3.2	From Union Minister for Foreign Affairs to High Representative of the Union for Foreign Affairs and Security Policy	213
6.4	By way of Conclusion: No Salvation without Communitarization?	219
 PART THREE: MANAGING THE VERTICAL AND HORIZONTAL AXES		
7.	Managing the Vertical Axis	231
7.1	Introduction	231
7.2	Mixity	231
7.2.1	Introduction	231
7.2.2	Mixed agreements	232
7.2.2.1	<i>Negotiation</i>	238
7.2.2.2	<i>Signature and ratification</i>	239
7.2.2.3	<i>Implementation and international responsibility</i>	241
7.2.2.4	<i>Partially mixed agreements</i>	245
7.2.3	Mixed representation in international organizations	246
7.3	Vertical Consistency through Loyal Cooperation	250
7.3.1	Introduction	250
7.3.2	Loyalty in the Community	252
7.3.3	Loyalty in the Union	259
7.3.4	Loyalty under the Treaty of Lisbon	262
7.4	Conclusions	264
8.	Managing the Horizontal Axis	267
8.1	Introduction	267
8.2	Horizontal Consistency or <i>Divide et Impera</i> ? The Relationship Between Community External Relations and the CFSP	267

8.3 Two Border Quarrels	274
8.3.1 The <i>Yusuf</i> and <i>Kadi</i> Cases	275
8.3.2 The <i>Small Arms and Light Weapons</i> Case	283
8.4 'Cross-Pillar Mixity'?	294
8.5 Conclusions	298

PART FOUR: CONCLUSIONS

Conclusions	307
The Constitutional Particularities of EU Foreign Policy	307
EU Foreign Policy, Identity, and Law	312
<i>Bibliography</i>	316
<i>Index</i>	333

This page intentionally left blank

Abbreviations

ACP	African, Caribbean and Pacific states
AETR (ERTA)	Accord européen relatif au travail des équipages des véhicules effectuant des transports internationaux par route (European Agreement Concerning the Work of Crews of Vehicles Engaged in International Road Transport)
AG	Advocate General at the Court of Justice of the European Communities
CAP	Common Agricultural Policy
CCP	Common Commercial Policy
CFP	Common Fisheries Policy
CFSP	Common Foreign and Security Policy
CHODs	Chiefs of Defence
COREPER	Comité des représentants permanents (Permanent Representatives Committee)
CSDP	Common Security and Defence Policy
CYELP	Croatian Yearbook of European Law & Policy
CYELS	Cambridge Yearbook of European Legal Studies
DTC	Draft Treaty establishing a Constitution for Europe
EC	European Community or (after Article number) Treaty establishing the European Community
ECOWAS	Economic Community of West African States
ECSC	European Coal and Steel Community or (after Article number) Treaty establishing the European Coal and Steel Community
EDA	European Defence Agency
EDC	European Defence Community
EEAS	European External Action Service
EEC	European Economic Community or (after Article number) Treaty establishing the European Economic Community
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
EPC	European Political Cooperation
ERTA (AETR)	European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (Accord européen relatif au travail des équipages des véhicules effectuant des transports internationaux par route)
ESDP	European Security and Defence Policy
EU	European Union or (after Article number) Treaty on European Union
EUMC	European Union Military Committee
EUMS	European Union Military Staff

EURATOM	European Atomic Energy Community or (after Article number) Treaty establishing the European Atomic Energy Community
FAO	Food and Agricultural Organisation of the United Nations
GATS	General Agreement on Trade in Services
GATT	General Agreement on Tariffs and Trade
HRCFSP	High Representative for the common foreign and security policy
HRUFASP	High Representative of the Union for Foreign Affairs and Security Policy
ICJ	International Court of Justice
IGC	Intergovernmental Conference
ILO	International Labour Organisation
JHA	Justice and Home Affairs
KEDO	Korean Peninsula Energy Development Organisation
MERCOSUR	Mercado Común del Sur (Southern Common Market)
Milreps	Military representatives
NGO	Non-governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OJ	Official Journal of the European Union
PCIJ	Permanent Court of International Justice
PJCCM	Police and Judicial Cooperation in Criminal Matters
PoCo	Political Committee
PSC	Political and Security Committee
QMV	Qualified majority voting
RPC	Rules of Procedure of the Council
RPCJEC	Rules of Procedure of the Court of Justice
RPEP	Rules of Procedure of the European Parliament
SEA	Single European Act
TACIS	Technical Aid to the Commonwealth of Independent States
TC	Treaty establishing a Constitution for Europe
TFEU	Treaty on the Functioning of the European Union
TRIPS	Agreement on Trade-Related Aspects of Intellectual Property Rights
UMFA	Union Minister for Foreign Affairs
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNITA	National Union for the Total Independence of Angola
USA	United States of America
WAEMU	West African Economic and Monetary Union
WEU	Western European Union
WHO	World Health Organisation
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation
YEL	Yearbook of European Law

Table of Cases

COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

Cases

Case 8/55 <i>Fédération Charbonnière de Belgique v High Authority of the European Coal and Steel Community</i> [1954–1956] ECR 292	17
Case 25/62 <i>Plaumann v Commission</i> [1963] ECR 95	187
Case 26/62 <i>NV Algemene Transport- en Expeditie Onderneming Van Gend & Loos v Nederlandse Administratie der Belastingen</i> [1963] ECR 1	21, 34–35, 38, 202, 279
Case 6/64 <i>Flaminio Costa v ENEL</i> [1964] ECR 585	36, 201, 211
Joined Cases 6/69 and 11/69 <i>Commission v France</i> [1969] ECR 523	253
Case 22/70 <i>Commission v Council</i> [1971] ECR 263	3, 18–24, 27–30, 41, 43–46, 48–50, 59, 61–64, 66, 70–71, 89, 178, 185, 241, 254, 256, 265
Case 167/73 <i>Commission v France</i> [1974] 359	71
Case 181/73 <i>Haegeman v Belgium</i> [1974] ECR 449	242
Case 8/74 <i>Procureur du Roi v Benoît et Gustave Dassonville</i> [1974] ECR 837	41
Joined Cases 3, 4 and 6/76, <i>Cornelis Kramer and others</i> [1976] ECR 1279	20, 23–25, 42, 59–60, 254
Case 41/76 <i>Suzanne Criel, née Donckerwolcke and Henri Schou v Procureur de la République au tribunal de grande instance de Lille and Director General of Customs</i> [1976] ECR 1921	60
Case 106/77 <i>Amministrazione delle Finanze dello Stato v Simmenthal SpA</i> [1978] ECR 629	36–37
Case 120/78 <i>Rewe-Zentral AG v Bundesmonopolverwaltung für Branntwein</i> [1979] ECR 649	41
Case 804/79 <i>Commission v United Kingdom</i> [1981] ECR 1045	25, 42, 60
Case 104/81 <i>Hauptzollamt Mainz v C.A. Kupferberg & Cie KG a.A.</i> [1982] ECR 3641	89
Case 230/81 <i>Luxembourg v European Parliament</i> [1983] ECR 255	254, 260
Case 191/82 <i>EEC Seed Crushers' and Oil Processors' Federation (FEDIOL) v Commission</i> [1983] ECR 2913	197
Case 14/83 <i>Sabine von Colson and Elisabeth Kamann v Land Nordrhein-Westfalen</i> [1984] ECR 1891	207
Case 294/83 <i>Parti écologiste «Les Verts» v European Parliament</i> [1986] ECR 1339	184
Case 44/84 <i>Derrick Guy Edmund Hurd v Kenneth Jones (Her Majesty's Inspector of Taxes)</i> [1986] ECR 29	35
Case 222/84 <i>Marguerite Johnston v Chief Constable of the Royal Ulster Constabulary</i> [1986] ECR 1651	184
Case 187/85 <i>EEC Seed Crushers' and Oil Processors' Federation (Fediol) v Commission</i> [1988] ECR 4155	197
Joined Cases 281/85, 283–285/85 and 287/85 <i>Germany and others v Commission</i> [1987] ECR 3203	11, 17
Case 314/85 <i>Foto-Frost v Hauptzollamt Lübeck-Ost</i> [1987] ECR 4199	180, 184–5
Case 12/86 <i>Meryem Demirel v Stadt Schwäbisch Gmünd</i> [1987] ECR 3719	235, 242–3
Case 45/86 <i>Commission v Council</i> [1987] ECR 1493	9

Case 121/86 <i>Anonymos Etaireia Epichiriseon Metalleftikon Viomichanikon kai Naftiliakon AE and others v Council</i> [1989] ECR 3919	197–8
Case 204/86 <i>Greece v Council</i> [1988] ECR 5323.	255
Joined Cases C-51/89, C-90/89 and C-94/89 <i>United Kingdom, France and Germany v Council</i> [1991] ECR I-2757	30, 32
Case C-192/89 <i>S. Z. Sevince v Staatssecretaris van Justitie</i> [1990] ECR I-3461	91
Case C-300/89 <i>Commission v Council</i> [1991] ECR I-2867.	9, 295
Case C-97/91 <i>Oleificio Borelli SpA v Commission</i> [1992] ECR I-6313	184
Case C-155/91 <i>Commission v Council</i> [1993] ECR I-939	295
Joined Cases C-181/91 and C-249/91 <i>European Parliament v Council and Commission</i> [1993] ECR I-3685.	63, 178, 289
Case C-188/91 <i>Deutsche Shell AG v Hauptzollamt Hamburg-Harburg</i> [1993] ECR I-363	91
Case C-314/91 <i>Beate Weber v European Parliament</i> [1993] ECR I-1093.	184
Case C-316/91 <i>European Parliament v Council</i> [1994] ECR I-625	40, 61, 63, 178, 244, 269, 289–90
Case C-327/91 <i>France v Commission</i> [1994] ECR I-3641.	78, 85, 89
Case C-65/93 <i>European Parliament v Council</i> [1995] ECR I-643	255
Case C-473/93 <i>Commission v Luxemburg</i> [1996] ECR I-3207	252
Case C-25/94 <i>Commission v Council</i> [1996] ECR I-1469.	239, 248–9, 255
Case C-58/94 <i>Netherlands v Council</i> [1996] ECR I-2169.	169
Case C-70/94 <i>Fritz Werner Industrie-Ausrüstungen GmbH v Germany</i> [1995] ECR I-3189.	198, 283, 301
Case C-120/94 <i>Commission v Greece</i> , removed from the register [1996] ECR I-1513.	182, 194–5
Case C-167/94 <i>Criminal proceedings against Juan Carlos Grau Gomis and others</i> [1995] ECR I-1023.	212
Case C-268/94 <i>Portugal v Council</i> [1996] ECR I-6177	237–8, 257, 286, 291
Case C-28/95 <i>A. Leur-Bloem v Inspecteur der Belastingdienst/Ondernemingen Amsterdam 2</i> [1997] ECR I-4161.	243
Case C-57/95 <i>France v Commission</i> [1997] ECR I-1627.	185
Case C-84/95 <i>Bosphorus Hava Yollari Turizm ve Ticaret AS v Ministry for Transport, Energy and Communications, Ireland and the Attorney General</i> [1996] ECR I-3953	95
Case C-122/95 <i>Germany v Council</i> [1998] ECR I-973.	95
Case C-124/95 <i>The Queen, ex parte Centro-Com Srl v HM Treasury and Bank of England</i> [1997] ECR I-81	302
Case C-130/95 <i>Bernd Giloy v Hauptzollamt Frankfurt am Main-Ost</i> [1997] ECR I-4291	243
Case C-177/95 <i>Ebony Maritime SA and Loten Navigation Co. Ltd v Prefetto della Provincia di Brindisi and others</i> [1997] ECR I-1111	96
Case C-299/95 <i>Kremzow</i> [1997] ECR I-2629	183
Case C-53/96 <i>Hermès International v FHT Marketing Choice</i> [1998] ECR I-3603.	242–4, 266
Case C-149/96 <i>Portugal v Council</i> [1999] ECR I-8395	35
Case C-162/96 <i>A. Racke GmbH & Co. v Hauptzollamt Mainz</i> [1998] ECR I-3655	89–90
Case C-170/96 <i>Commission v Council</i> [1998] ECR I-2763.	177–9, 205, 268–9, 285, 289–91, 293
Case C-386/96 <i>P. Dreyfus v Commission</i> [1998] ECR I-2309	187
Joined cases C-10/97 to C-22/97 <i>Ministero delle Finanze v IN.CO.GE. '90 Srl, Idelgard Srl, Iris '90 Srl, Camed Srl, Pomezia Progetti Appalti Srl (PPA), Edilcam Srl, A. Cecchini & C. Srl, EMO Srl, Emoda Srl, Sappesi Srl, Ing. Luigi Martini Srl, Giacomo Srl and Mafar Srl.</i> [1998] ECR I-6307	37, 72
Case C-42/97 <i>European Parliament v Council</i> [1999] ECR I-869	295
Joined cases C-164/97 and C-165/97 <i>European Parliament v Council</i> [1999] ECR I-1139	295

Case C-189/97 <i>European Parliament v Council</i> [1999] I-4741	87
Case C-273/97 <i>Angela Maria Sirdar v The Army Board and Secretary of State for Defence</i> [1999] ECR I-7403	196
Case C-36/98 <i>Spain v Council</i> [2001] ECR I-779	295
Case C-62/98 <i>Commission v Portugal</i> [2000] ECR I-5171	198
Joined Cases C-300/98 and C-392/98 <i>Parfums Christian Dior SA v</i> <i>Tuk Consultancy BV</i> (C-300/98) and <i>Asso Gerüste GmbH, Rob van</i> <i>Dijk, trading as Asso Holland Steigers Plettac Nederland v Wilhelm</i> <i>Layher GmbH & Co KG, Layher BV</i> (C-392/98) [2000] ECR I-11307	242–3, 254
Case C-376/98 <i>Germany v European Parliament and Council</i> [2000] ECR I-8419	32
Case C-466/98 <i>Commission v United Kingdom</i> [2002] ECR I-9427	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-467/98 <i>Commission v Denmark</i> [2002] ECR I-9519	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-468/98 <i>Commission v Sweden</i> [2002] ECR I-9575	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-469/98 <i>Commission v Finland</i> [2002] ECR I-9627	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-471/98 <i>Commission v Belgium</i> [2002] ECR I-9681	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-472/98 <i>Commission v Luxembourg</i> [2002] ECR I-9741	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-475/98 <i>Commission v Austria</i> [2002] ECR I-9797	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-476/98 <i>Commission v Germany</i> [2002] ECR I-9855	18, 20, 29, 40, 47–51, 56–57, 60, 64, 69, 96
Case C-1/99 <i>Kofisa Italia Srl v Ministero delle Finanze, Servizio della Riscossione</i> <i>dei Tributi – Concessione Provincia di Genova – San Paolo Riscossioni Genova</i> <i>SpA</i> [2001] ECR I-207	184
Case C-424/99 <i>Commission v Austria</i> [2001] ECR I-9285	184
Case C-13/00 <i>Commission v Ireland</i> [2001] ECR I-2943	241, 243
Case C-50/00 P, <i>Unión de Pequeños Agricultores v Council</i> [2002] ECR I-6677	184, 186–7
Case C-336/00 <i>Republik Österreich v Martin Huber</i> [2002] ECR I-7699	295
Case C-339/00 <i>Ireland v Commission</i> [2003] ECR I-11757	254
Case C-211/01 <i>Commission v Council</i> [2003] ECR I-8913	295
Case C-281/01 <i>Commission v Council</i> [2002] ECR I-12049	295
Case C-338/01 <i>Commission v Council</i> [2004] ECR I-4829	295
Case C-486/01 P <i>Front national v Parliament</i> [2004] ECR I-6289	187
Case C-233/02 <i>France v Commission</i> [2004] ECR I-2759	78
Case C-94/03 <i>Commission v Council</i> [2006] ECR I-1	10, 295
Case C-105/03 <i>Criminal proceedings against Maria Pupino</i> [2005] ECR I-5285	140, 205–9, 259, 312
Case C-176/03 <i>Commission v Council</i> [2005] ECR I-7879	17, 178–9, 205, 268, 285, 289–91, 293, 295
Case C-178/03 <i>Commission v Parliament and Council</i> [2006] ECR I-107	295
Case C-239/03 <i>Commission v France</i> [2004] ECR I-9325	243, 258
Case C-266/03 <i>Commission v Luxembourg</i> [2005] ECR I-4805	79, 256–7
Case C-433/03 <i>Commission v Germany</i> [2005] ECR I-6985	79–80, 256–7
Case C-459/03 <i>Commission v Ireland</i> [2006] ECR I-4635	20, 29, 66, 177, 241, 243–4, 257
Joined Cases C-317/04 and C-318/04 <i>European Parliament v Council and</i> <i>Commission</i> [2006] ECR I-4721	85–87, 95, 255, 300

Case C-344/04 <i>IATA and ELFAA</i> [2006] ECR I-403	174, 241
Case C-354/04 P <i>Gestoras Pro Amnistía, J.M. Olano Olano, J. Zelarain Errasti v Council</i> [2007] ECR I-1579	105, 119, 176, 180, 182, 184–5, 196, 200, 208–9, 283, 296, 313
Case C-355/04 P <i>SEGI, A. Zubimendi Izaga, A. Galarraza v Council</i> [2007] ECR I-1657	105, 119, 176, 180, 182, 184–5, 197, 200, 208–9, 283, 296, 313
Case C-411/04 P <i>Salzgitter Mannesmann v Commission</i> [2007] ECR I-959	183
Case C-417/04 P <i>Regione Siciliana v Commission</i> [2006] ECR I-3881	187
Case C-523/04 <i>Commission v Netherlands</i> [2007] ECR I-3267	18, 47, 69
Case C-91/05 <i>Commission v Council</i> [2005] OJ C115/10	30, 74, 108, 178–80, 205, 268–9, 271, 283–96, 299, 302, 312
Case C-260/05 P <i>Sniace v Commission</i> [2005] OJ C193/22	187
Case C-266/05 P <i>Sison v Council</i> [2007] ECR I-1233	174–5
Case C-292/05 P <i>PKK and KNK v Council</i> [2007] ECR I-439	160
Case C-303/05 <i>Advocaten voor de Wereld</i> [2007] ECR I-3633	185
Case C-305/05 <i>Ordre des barreaux francophones et germanophone and others</i> [2007] ECR I-5305	160
Case C-341/05, <i>Laval un Partneri</i> [2005] OJ C281/10	183
Case C-402/05 P <i>Kadi v Council and Commission</i> [2006] OJ C36/19	5, 181–2, 188, 195, 276, 278, 281
Case C-403/05 <i>Parliament v Commission</i> [2006] OJ C10/14	92, 286
Case C-415/05 P <i>Al Barakaat International Foundation v Council and Commission</i> [2006] OJ C48/11	5, 181–2, 188, 195, 276, 278, 281
Case C-431/05 <i>Merck Genéricos Produtos Farmacêuticos</i> [2006] OJ C36/22	35, 241–2, 264
Case C-438/05 <i>The International Transport Workers' Federation and The Finnish Seamen's Union</i> [2006] OJ C60/16	183
Case C-440/05 <i>Commission v Council</i> [2006] OJ C22/10	9, 17, 73, 179, 205, 222, 268–9, 285, 289, 291, 293, 295
Case C-117/06 <i>Möllandorf and Möllandorf-Niehuus</i> [2006] OJ C108/6	277
C-125/06 P <i>Commission v Infront WM</i> [2006] OJ C108/7	187
Case C-133/06 <i>Parliament v Council</i> [2006] OJ C108/12	9
Joined Cases C-120/06 P and C-121/06 P <i>FIAMM and FIAMM Technologies v Council and Commission and Fedon & Figli and Fedon America v Council and Commission</i> [2006] OJ C108/6	35
Case C-212/06 <i>Gouvernement de la Communauté française and Gouvernement wallon</i> [2006] OJ C178/18	252, 298
Case C-345/06 <i>Heinrich</i> [2006] OJ C281/19	89, 92, 171, 188, 227
Case C-372/06 <i>Asda Stores</i> [2006] OJ C294/24	18
Joined Cases C-373/06 P, C-379/06 P, and C-382/06 P <i>Flaherty and others v Commission</i> [2006] OJ C281/25	187
Case C-399/06 P <i>Hassan v Council and Commission</i> [2006] OJ C294/30	182
Case C-403/06 P <i>Ayadi v Council</i> [2006] OJ C294/32	181
Case C-13/07 <i>Commission v Council</i> [2007] OJ C56/22	220
Case C-203/07 P <i>Greece v Commission</i> [2007] OJ C155/10	124, 259

Opinions

Opinion 1/75 [Draft Understanding on a Local Cost Standard drawn up under the auspices of the OECD] [1975] ECR 1355	20, 39–41, 59, 78, 93–94, 234
Opinion 1/76 Draft Agreement establishing a European laying-up fund for inland waterway vessels [1977] ECR 741	21–22, 24–25, 52–57, 68, 232–3, 246, 256

Opinion 1/78 <i>International Agreement on Natural Rubber</i> [1979] ECR 2871	42, 93–94, 234, 238, 291
Opinion 1/91 <i>Draft agreement between the Community, on the one hand, and the countries of the European Free Trade Association, on the other, relating to the creation of the European Economic Area</i> [1991] ECR I–6079	184, 201
Opinion 2/91 <i>Convention No 170 of the International Labour Organization concerning safety in the use of chemicals at work</i> [1993] ECR I–1061	20, 25–28, 44–47, 50, 60, 64–66, 94, 233, 253–4, 258, 265
Opinion 2/92 <i>Competence of the Community or one of its institutions to participate in the Third Revised Decision of the OECD on national treatment</i> [1995] ECR I–521	20, 30, 32, 45, 54, 56, 58, 95
Opinion 1/94 <i>Competence of the Community to conclude international agreements concerning services and the protection of intellectual property</i> [1994] ECR I–5267	20, 23, 26–28, 42, 45–47, 51–53, 55–56, 58, 61–62, 68–70, 93–94, 198, 234, 236, 246, 254, 257–8
Opinion 2/94 <i>Accession by the Communities to the Convention for the Protection of Human Rights and Fundamental Freedoms</i> [1996] ECR I–1759	9–10, 18–19, 21, 23, 29–30, 93–94, 183
Opinion 3/94 <i>GATT – WTO – Framework Agreement on Bananas</i> [1995] ECR I–4577	95
Opinion 2/00 [Cartagena Protocol] [2001] ECR I–9713	10, 40, 94–95, 254, 258, 295
Opinion 1/03 <i>Competence of the Community to conclude the new Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters</i> [2006] ECR I–01145	18–19, 20, 29, 43–44, 46–51, 53, 57, 64–67, 72, 94, 258

Rulings

Ruling 1/78 <i>Draft Convention of the International Atomic Energy Agency on the Physical Protection of Nuclear Materials, Facilities and Transports</i> [1978] ECR 2151	10, 59, 241, 253–4, 258
--	-------------------------

COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES

Case T-174/95 <i>Svenska Journalistförbundet v Council</i> [1998] ECR II–2289	171
Case T-14/98 <i>Heidi Hautala v Council</i> [1999] ECR II–2489	171, 180–1
Case T-188/98 <i>Aldo Kuijter v Council</i> [2000] ECR II–1959	172
Case T-201/99 <i>Royal Olympic Cruises Ltd, Valentine Oceanic Trading Inc., Caroline Shipping Inc., Simpson Navigation Ltd, Solar Navigation Corporation, Ocean Quest Sea Carriers Ltd, Athena 2004 SA, Freewind Shipping Company, Elliniki Etairia Diiprotikon Grammon AE v Council and Commission, Order of 12 December 2000</i> [2000] ECR II–4005	180
Joined Cases T-222/99, T-327/99 and T-329/99 <i>Jean-Claude Martinez, Charles de Gaulle, Front national, Emma Bonino, Marco Pannella, Marco Cappato, Gianfranco Dell’Alba, Benedetto Della Vedova, Olivier Dupuis, Maurizio Turco, Lista Emma Bonino v European Parliament</i> , [2001] ECR II–2823	184
Case T-349/99 <i>Miscovic v Council</i> [removed from the register]	268
Case T-350/99 <i>Karic and others v Council</i> [removed from the register]	268

Case T-211/00 <i>Aldo Kuijer v Council</i> [2002] ECR II–485	172
Case T-306/01 <i>Ahmed Ali Yusuf and Al Barakaat International Foundation v Council and Commission</i> [2005] ECR II–3533	14, 181, 183–4, 187, 275–7, 279–82
Case T-315/01 <i>Yassin Abdullah Kadi v Council and Commission</i> [2005] ECR II–3649	14, 181, 183–4, 187, 275–6, 279–82
Case T-318/01 <i>Omar Mohamed Othman v Council and Commission</i> [2002] OJ C68/13	278
Case T-228/02 <i>Organisation des Modjahedines du Peuple d'Iran (OMPI) v Council</i> [2006] ECR II–4665	181–2, 198, 207–8
Case T-229/02 <i>PKK v Council</i> [2002] OJ C233/32	181
Case T-253/02 <i>Chafiq Ayadi v Council</i> [2006] ECR II–2139	181, 187–8, 276, 278, 282
Case T-333/02 <i>Gestoras Pro-Amnistía and others v Council</i> , Order of 7 June 2004 [2004] OJ C228/40	180, 184–5, 283
Case T-338/02 <i>Segi, Araitx Zubimendi Izaga, and Aritz Galarra v Council</i> , Order of 7 June 2004 [2004] ECR II–1647	180, 182, 184–5, 283
Case T-47/03 <i>Sison v Council</i> [2003] OJ C101/41	175–6, 254, 282
Joined Cases T-110/03, T-150/03, and T-405/03 <i>Sison v Council</i> [2005] ECR II–1429	174–5
Case T-327/03 <i>STICHTING AL-AQSA v Council and Commission</i> [2003] OJ C289/30	181
Case T-49/04 <i>Faraj Hassan v Council and Commission</i> [2006] ECR II–52	182, 187, 276, 278
Case T-253/04 <i>Kongra-Gel and others v Council</i> [2004] OJ C262/28	181
Case T-299/04 <i>Abdelghani Selmani v Council and Commission</i> , Order of 18 November 2005 [2005] ECR II–20	278
Case T-362/04 <i>Leonid Minin v Commission</i> [2007] ECR II–2003	278
Case T-157/07 <i>People's Mojahedin Organization of Iran v Council</i> [2007] OJ C140/43	181
Case T-256/07 <i>People's Mojahedin Organization of Iran v Council</i> [2007] OJ C211/50	181

EUROPEAN COURT OF HUMAN RIGHTS

<i>Bosphorus Hava Yolları Turizm ve Ticaret Anonim Şirketi (Bosphorus Airways) v Ireland</i> [GC], no. 45036/98, ECHR 2005-VI	177, 196
<i>Segi and Gestoras Pro-Amnistía and others v Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom</i> (dec.), nos. 6422/02 and 9916/02, ECHR 2002–V	177
<i>Bulduş v Turkey</i> , no. 64741/01	197
<i>Liu v Russia</i> , no. 42086/05	188

PERMANENT COURT OF INTERNATIONAL JUSTICE

Opinions

<i>Exchange of Greek and Turkish Populations</i> [1925] PCIJ Series B. – No. 10	36
<i>Jurisdiction of the European Commission of the Danube Between Galatz and Braila</i> [1927] PCIJ Series B. – No. 14	17, 105
<i>Jurisdiction of the Courts of Danzig (Pecuniary Claims of Danzig Railway Officials Who Have Passed Into the Polish Service, Against the Polish Railway Administration)</i> [1928] PCIJ Series B. – No. 15	35
<i>The Greco-Bulgarian 'Communities'</i> [1930] PCIJ Series B. – No. 17	36
<i>Competence of the International Labour Organization to Regulate, Incidentally, the Personal Work of the Employer</i> [1926] PCIJ Series B. – No. 13	17
<i>Treatment of Polish Nationals and Other Persons of Polish Origin or Speech in the Danzig Territory</i> [1932] PCIJ Series A./B. – No. 44	36

INTERNATIONAL COURT OF JUSTICE

Cases

<i>Interhandel Case (Switzerland v United States of America) (Preliminary Objections)</i> [1959] ICJ Reports 6	109
<i>LaGrand Case (Germany v United States of America)</i> [2001] ICJ Reports 466	34
<i>Case of Certain Norwegian Loans (France v Norway)</i> [1957] ICJ Reports 9.	109
<i>Nuclear Tests Case (Australia v France)</i> [1974] ICJ Reports 253	121

Opinions

<i>Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)</i> [1962] ICJ Reports, 151.	17
<i>Applicability of the Obligation to Arbitrate under Section 21 of the United Nations Headquarters Agreement of 26 June 1947</i> [1988] ICJ Reports 12	36
<i>Reparation for Injuries suffered in the Service of the United Nations</i> [1949] ICJ Reports 174	17, 145

INTERNATIONAL CRIMINAL TRIBUNAL FOR
FORMER YUGOSLAVIA

Case IT-94-1-AR72 <i>Prosecutor v Dusko Tadic a/k/a 'Dule'</i> , Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 105 ILR 453	194
--	-----

GERMAN COURTS

2 BvR 2134/92 & 2159/92 of 12 October 1993, <i>Manfred Brunner and others v The European Union Treaty</i> , [1994] 1 CMLR 57.	263
2BvL1/97: 2 BvL 1/97 of 7 June 2000 (available at http://www.bverfg.de/entscheidungen/ls20000607_2bvl000197.html)	263
1BvR1036/99: 1 BvR 1036/99 of 9 January 2001 (available at http://www.bverfg.de/entscheidungen/rk20010109_1bvr103699.html)	263

UNITED KINGDOM COURTS

<i>Buttes Gas and Oil Co. v Hammer</i> [1982] AC 888	193–4
<i>R (Abbasi) v Secretary of State for Foreign and Commonwealth Affairs</i> [2002] EWCA Civ. 1598	193–4

USA COURTS

<i>Marbury v Madison</i> 1 Cranch (5 U.S.) 137 (1803)	38
<i>M'Culloch v The State of Maryland et al.</i> , 17 U.S. 316 (1819)	17
<i>Luther v Borden</i> 48 U.S. 1 (1849)	193
<i>Occidental of Umm al Qaywayn, Inc. v A Certain Cargo of Petroleum</i> , 577 F.2d 1196 (5th Cir. 1978), cert. denied sub nom. <i>Occidental of Umm Qaywayn, Inc. v Cities Serv. Oil Co.</i> , 442 U.S. (1979)	1, 194

This page intentionally left blank

Table of Legal Instruments and Other Documents

EU DOCUMENTS

Basic Treaties

Treaty establishing the European Coal
and Steel Community, not
published in the OJ.

Art 6(2) 19

Treaty establishing the European
Economic Community,
not published in the OJ 12–13,

15, 18, 34, 74,

153, 158, 253

Preamble 16

Art 5 253–4

Art 100 66

Art 103 93

Art 116 247

Art 118a 26, 45–46

Art 228 77

Art 238 88

Treaty establishing the European Atomic

Energy Community, not

published in the OJ 146

Art 101 18

(1) 19

Art 102 240

Art 103 10

Art 192 244, 253, 257

Treaty establishing the European

Community, (consolidated

version) [2006]

OJ C321/E1 3, 11, 39, 43, 50,

56–57, 61, 123, 205,

245, 268, 274, 287,

301–2, 311

Preamble 279

Pt III 101

Title IV 32

Pt V 273

Title XX 15, 291, 295

Art 2 279, 281

Arts 2–4 101

Art 3 279, 281

(f) 22

Art 5 9, 18–19, 31, 48, 292

para 2 59

Art 7(1) 19, 273

Art 10 22, 33, 38, 44, 59, 64, 71,

79, 86, 89, 91, 134, 148,

183, 200, 206–7, 233, 244,

252–4, 256–9, 290, 307

Art 12 246

Art 23(1) 12

Art 26 11

Art 34(2) 11

Art 37 13

Arts 57–60 11

Art 60 275, 277–82

Art 70 24

Art 71 13, 24

(1)(a) 11, 28

Art 80(2) 64, 179

Art 83 13

Art 93 13

Art 94 13, 58

Art 95 58, 86, 300

Art 111 11, 13, 42, 63, 88, 98

(1) 78, 84

(3) 83

(4) 247

(5) 62

Arts 131–134 11–12

Art 133 40–42, 74

(1)–(4) 14

(2) 75

(3) 79–80, 142

(4) 75, 80

(5) 14, 63, 84

subpara 2 81, 84

subpara 3 81

(5)–(6) 41

(6) 220

subpara 2 81

(7) 14

Art 137 11

(4) 65

Art 149(1)	31	Art 241	179–80, 283
(3)	11, 13	Art 249	73, 88–89, 206
Art 150(3)	11, 13	para 3	206–7
Art 151(3)	11, 13	Art 251	75, 85, 87, 98, 296
Art 152(3)	11, 13	Art 252	85, 87, 98, 142
Art 155(3)	11, 13	Art 253	175
Art 164(b)	11	Art 254	171
Art 170	11, 13, 98	Art 255	171
Art 174	63	(2)	173
(4)	11, 13, 62, 84, 98, 247	Art 272	162
para 2	52	Art 281	19
Art 175	178	Art 292	177
(2)	84	Art 297	182, 194, 196
Art 177	237, 286, 296	Art 300	12, 29, 62, 77–78, 80,
(1)	284, 289		83, 89–90, 98, 138, 142,
(2)	108, 160, 185, 286		157, 239–40, 296, 307
(3)	185	(1)	80, 138
Arts 177–181	11, 15	subpara 1	80
Art 179	15	subpara 2	80–81, 84
(1)	75, 293, 296	(2)	78, 81, 83, 87, 241
Art 180	63, 290	subpara 1	84
(1)	290	subpara 2	90
Art 181	13–14, 62–63, 98, 237–8,	subpara 3	83, 90–91
	286, 289, 291	(3)	85–86
para 2	52	subpara 1	85, 142
Art 181a	12, 14–15, 293	subpara 2	85–87, 141–2, 247
(1) subpara 2	108	subpara 3	88
Art 192	163	(4)	85, 142
para 2	74	(6)	10, 86, 93, 95, 98, 188, 190, 308–9
Art 197 para 3	163	(7)	55, 89, 246
para 4	163	Art 301	275, 277–82
Art 201	149	Art 302	12, 84, 247
Art 202, third indent	92	Arts 302–304	12
Art 203	128–9	Art 303	12, 247
Art 205(2)	134–5	Art 304	12, 247
(3)	134	Art 307 para 2	54
Art 207	132	Art 308	9, 14, 21, 29–32, 58,
(1)	131		84, 277–82, 293–4
(3) subpara 2	170	Art 310	12, 29, 74, 81, 84, 87, 90, 98, 235
Art 208	74	Single European Act [1987]	
Art 211	149	OJ L169	13, 30, 88, 250
Art 214(2)	163	Preamble	250
Art 220	93, 183	Art 9	88
Art 226	149, 200, 243	Art 30(5)	250
Art 227	200	Treaty of Maastricht [1992]	
Art 228(2)	29	OJ C191/1	13, 19, 63, 88,
(3) para 2	29		103, 105, 134, 221,
Art 230	95, 178–9, 187, 239		247, 252, 290, 301
(4)	187	Art B, 2nd indent	103
Art 234	180, 212–13, 242–3	Art J.3(1)	116
Art 238	29	Art J.4(1)	103

Treaty on European Union, (consolidated version) [2006] OJ C321/E1	30, 70, 138–40, 205, 238	Art 13(1)	125
Preamble	103	(2)	113, 125
Title I	182	(3)	114, 120, 126, 134
Title V	3, 101, 105–6, 108, 113, 131, 140, 149, 157, 160, 177, 179–83, 201, 203, 247, 259, 261, 268, 283, 285, 288, 295–6, 300, 308	Art 14	115
Chap 2	189	(2)	116
Title VI	107–8, 177–8, 201, 206–7, 285, 297	(3)	116, 261, 283
Art 1	169, 206, 250, 298	(4)	116, 128
para 3	210, 267	(6)	116
Art 1 (new)	210	(7)	116
Art 2	103, 212, 267–8, 270, 280, 285, 302	Art 15	118, 186, 208, 283
2nd indent	313	(4) (new)	136
5th indent	298	(5) (new)	127, 148
Art 2 (new)	313–14	Art 16	260, 263
Art 3	150, 251, 268, 270, 273, 280–1	(4) (new)	137
para 1	285, 298	(6) (new)	136
para 2	270, 273	Art 17	103, 107–8
Art 3(5) (new)	262, 302, 313–14	(1)	101–3, 126
Art 4	74, 128, 297	subpara 3	104
para 2	75	(1) (new)	217
para 3	161	(2)	101–2, 104–5, 109
Art 4(2) (new)	252	(3)	103
(3) (new)	262, 264	(6) (new)	216
Art 5	105, 274	(7) para 3 (new)	214
Art 5(1) (new)	9	(8) (new)	217
(2) (new)	9	Art 18	113
Art 6	185, 251–2	(1)	146
(1)	160, 176, 252	(2)	146
(2)	94, 177, 182, 184, 252	(3)	146
(2) (new)	141, 197	(4)	129, 147
(3)	252	(5)	135, 148
(4)	126	Art 18 (new)	148
Art 8 (new)	16	(1) (new)	214, 216
(2) (new)	16	(2) (new)	214
Art 11	101, 113, 280	(3) (new)	136
(1)	101–3, 106–8, 268–9, 291, 293	(4) (new)	214
2nd indent	280	para 2 (new)	214
3rd indent	280	para 3 (new)	214
5th indent	107, 160, 285	Art 19	113
(2)	140, 148, 150, 207, 259, 262, 266	(1)	118, 247, 261
Art 12	73, 113, 126, 260	subpara 2	118
(a) (new)	167	(1) (new) subpara 2	187
		Art 20	149, 261, 303
		para 1	261
		para 2	261
		Art 21	113, 161
		para 2	161, 165
		Art 21 (new)	108, 302, 313
		(1) (new)	262, 314
		(2)(a) (new)	314
		(c) (new)	299
		(d) (new)	299

(3) (new)	273
Art 22	217
(1)	128
(2)	134
Art 22 (new)	127
(1) (new)	127
(2) (new)	127
Art 23	134
(1) para 2	134
(2)	115, 120, 135, 137, 139, 296
(3)	136
Art 24	113, 138–40, 143, 157, 296, 309
(1)	138–9
(1) (new)	108, 122, 189, 192
subpara 2 (new)	167
(2)	139
(2) (new)	262
(3) (new)	262
(4)	139
(5)	139, 143
Art 25	132
para 1	150
para 2	152
para 3	132, 153, 155–6
Art 25 (new)	122, 171
Art 26	113, 130
Art 26 (new)	121
Art 27	113, 128
Art 27 (new)	214
(1) (new)	148
(3) (new)	148, 215
Art 28	163
(1)	149, 163, 171
(4)	162
Art 29	107–8
Art 30 (new)	217
(1) (new)	128, 218
(2) (new)	215
Art 31(1) (new)	122, 137, 192
para 2 (new)	262
(2), indent 2 (new)	136–7
indent 1, 3, 4 (new)	137
Art 32	262
Art 32 (new)	262, 264
para 2 (new)	264
para 3 (new)	264
Art 34	118, 185–6, 208
(1) (new)	214
(2)(b)	201, 206–7
(c)	201

(2), para 3 (new)	215
Art 35	185, 206
(1)	185–6
(2)	208–9
(6)	186
Art 36 para 1 (new)	192
para 2 (new)	192
Art 38	296
para 1 (new)	215
Art 40	191
Art 40 (new)	189, 210, 299–300
para 2	294
Art 41(3) (new)	192
Art 42	313
Art 42(1) (new)	109
(2) (new)	108
para 2 (new)	104
(3) (new) para 2	153
Art 43(1) (new)	105, 109, 280
Art 45	273
Art 45 (new)	153
Art 46	140, 149, 160, 178, 180, 189, 212, 252, 259
(d)	182
(f)	179
Art 47	108, 153, 156, 178–80, 183, 189, 210, 224, 247, 251, 267–70, 273, 284–5, 287–9, 292–3, 298–9, 311–12
Art 47 (new)	144
Art 48	93, 103, 200
Art 221(new)	217
Art 222 (new)	264
Treaty of Amsterdam [1997]	
OJ C340/1	13–14, 41, 108, 113, 116, 134, 143, 147, 167, 171, 173
Treaty of Nice [2001]	
OJ C80/1	13–14, 30, 41, 63, 118, 132, 151, 153
Draft Treaty establishing a Constitution for Europe, CONV 850/03	69, 146
Art I-11(2)	111
Art I-12(2)	70
Art I-24(1)	137
Art I-27(1)	216
Art I-39(5)	263
Art III-204	190
Art III-227	190

(12)	190	(3)	136, 148
Treaty establishing a Constitution		(4)	214, 218
for Europe [2004]		Art I-33	122
OJ C310/1	3–4, 16, 108–12, 209–27	(1)	211
Pt II, Title IV	262	para 5	122
Art I-1(1)	311	Art I-37(3)	122
Art I-2	262, 313	Art I-40(1)	262
Art I-3(3) paras 2–3	262	(3)	121–22, 211
(4)	262, 302, 313	(5)	262–3
Art I-5(1)	252	(6)	122, 192
(2)	262, 264	(8)	192
Art I-6	211–12, 263, 311	Art I-41(2)	108–9
Art I-7	144	para 2	104
Art I-9(2)	94, 141	(3)	153
Art I-11(1)	9	Art I-43	262, 264
(2)	9	Art I-50(1)	169
Art I-12	67, 110–11	Art III-115	9
(2)	39, 70, 110–11, 290	Art III-160	280
(3)	110	Arts III-236 to III-245	141
(4)	110–11	Art III-257(2)	262
(5)	110	Art III-268	262
Art I-13	68, 110	Art III-271	280
(1)(c)	34	Art III-276	280
(d)	34	Art III-292	108, 302, 313
(e)	69	(1)	262
(2)	70	(3) para 2	273
Art I-14	110	Art III-293	127
(1)	110–11	(2)	127
(2)	269	Art III-294(2)	262
(a)	69	(3)(c)	122
(3)	71	Art III-296	214
(4)	68, 70–71, 112, 290	(1)	148
Art I-15	111	(3)	148, 215
Art I-16	111, 212	Art III-299(1)	128, 218
(1)	108	(2)	215
(2)	262	Art III-300(1)	137
Art I-17	110	para 2	262
Art I-21(4)	136	(2)	137
Art I-22	127	(a)	137
(1)	148	(b)	136–7
Art I-24(3)	136	(c)	137
Art I-25(1)	137	(d)	137
(2)	137	(3)	136
Art I-26	217	Art III-301(1)	264
(8)	217	(2)	264
Art I-27(2)	214	Art III-304(1)	192
(3)	216	(2)	192
Art I-28(1)	214, 216	Art III-305(1)	214
(2)	214	(2) para 3	215
		Art III-307(1)	215

Art III-308.....	299–300	108–12, 118, 122–23, 127–8, 136–7,
Art III-309(1).....	105, 109, 280	140–4, 146, 148, 153, 156, 160, 167,
Art III-311.....	153	171, 177, 189–92, 201–2, 204,
Art III-313(3).....	192	209–27, 252, 262–4, 266, 273–5,
Art III-315(1).....	69	280–1, 290, 294, 297–9, 302, 309
(2).....	192	Art 5.....
(3).....	142–3	Treaty on the Functioning of the
(4).....	141	European Union
(6).....	69	(consolidated version)
Art III-316.....	15	[2008] OJ C115/47.....
Art III-318.....	15	5, 15, 311
Art III-319.....	15, 141	Art 1(2).....
Art III-320.....	15	210, 299
Art III-321.....	15	Art 2.....
(1).....	15	67, 110–11
(2).....	15	(2).....
Art III-322.....	122	39, 62, 70, 110–11, 290
(1).....	189, 275	(3).....
(2).....	189, 275, 278	110
Art III-325.....	141–2, 297	(4).....
(2).....	141	110–11
(3).....	141	(5).....
(4).....	141	110
(5).....	141	Art 3.....
(6).....	141–2, 192	68, 110–11
(a).....	141–2	(1)(a).....
(ii).....	141	68
(v).....	142	(b).....
(b).....	142	68
(7).....	142	(c).....
(8).....	141	34, 68
(9).....	143	(d).....
(10).....	142	34, 68
(11).....	93, 190	(e).....
Art III-326.....	143	68–69
Art III-328.....	217	(2).....
(2).....	215	68, 70
Art III-329.....	262	Arts 3–6.....
Art III-365(4).....	189, 212	294, 299
Art III-375(2).....	177	Art 4.....
Art III-376.....	189, 212–13	110
(1).....	127, 299	(1).....
(2).....	190, 299–300	110–11
Art III-396.....	192	(2)(a).....
Art IV-437.....	209	69
Art IV-438.....	209	(j).....
Charter of Fundamental Rights of the		269
European Union [2007] OJ C303/1		(3).....
Title IV.....	262	71
Treaty of Lisbon [2007] OJ C306/1.....	3–5,	(4).....
15–16, 67, 70, 74, 89, 94, 96, 106,		68, 70–71, 110, 112, 290
		Art 5.....
		111
		Art 6.....
		110–11
		Art 7.....
		9
		Art 15(1).....
		169
		Art 47.....
		202
		Art 67(2).....
		262
		Art 75.....
		280
		Art 80.....
		262
		Art 83(1).....
		280
		Art 88(1).....
		280
		Arts 90–100.....
		141
		Art 207(1).....
		69
		(2).....
		192
		(3).....
		142–3
		(4).....
		141
		(6).....
		69
		Arts 208–211.....
		15
		Art 212.....
		15, 141
		Art 213.....
		15
		Art 214.....
		15
		(1).....
		15

(2)	15	Treaty of Amsterdam, Protocol on the	
Art 215(1)	122, 189, 275	role of national parliaments in	
(2)	189, 275, 278	the European Union [1997] OJ	
Art 218	141–3, 190, 297	C340/113	167
(2)	141	Pt 3	167
(3)	141, 190	Treaty establishing a Constitution for	
(4)	141	Europe, Protocol Amending the	
(5)	141	Treaty establishing the European	
(6)	141–2, 190, 192	Atomic Energy Community	
(a)	141–2	[2004] OJ C310/391	146
(ii)	141	Treaty on European Union, Treaty on the	
(v)	142	Functioning of the European	
(b)	142	Union, Treaty establishing	
(7)	142	the European Atomic Energy	
(8)	141, 190	Community, Protocol on the role	
(9)	143	of national parliaments in the	
(10)	142	European Union [2007]	
(11)	93, 190	OJ C306/148	
Art 219	143	Art 2	167
Art 221(2)	215	Treaty of Lisbon, Protocol No 2 amending	
Art 222	262	the Treaty establishing the	
Art 238(2)	137	European Atomic Energy	
Art 263(4)	189, 212	Community [2007]	
Art 267	190	OJ C306/199	146
Art 275	127, 189, 191, 212–13, 299–300		
subpara 2	190		
Art 288	122		
Art 291(3)	122		
Art 294	192		
Art 297	89		
(2) subpara 2	89, 171		
subpara 3	171		
Art 344	177		
Art 352	294		
subpara 4	281		
Protocols			
Treaty establishing a Single Council and a			
Single Commission of the			
European Communities,			
Protocol on the Privileges and			
Immunities of the European			
Communities [1967]			
OJ L152/13			
Art 7	84		
Treaty on European Union and the Treaty			
Establishing the European			
Communities, Protocol on the			
Position of Denmark [1997]			
OJ C340/101	151		
Art 6	151		
		Rules of Procedure	
		Council Decision 2004/338/EC, Euratom	
		of 22 March 2004 adopting the	
		Council's Rules of Procedure	
		[2004] OJ L106/22	89
		Art 3	133
		Art 5(1)	169
		Art 8(1)	169
		(2)	170
		(3)	170
		Art 9(1)	168, 170
		(2)(a)	168, 170
		Art 17(1)(g)	89
		(h)	140
		(3)	136, 170
		(4)	170
		(a)–(b)	170
		(d)	170
		Art 18(2)(b)	170
		(d)	170
		Art 19(3)	131
		Art 24	170
		Rules of Procedure of the European	
		Parliament, 16th ed,	
		February 2008	81–83, 164
		rule 23(1)	164

rule 75(1)	88	Council Regulation (EC) 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area [1994] OJ L305/6.	29
rule 83(1)	82	Council Regulation (EC) 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom [1996] OJ L309/1	271
(2)	82	Council Regulation (EC) 1705/98 of 28 July 1998 concerning the interruption of certain economic relations with Angola in order to induce the 'União Nacional para a Independência Total de Angola' (UNITA) to fulfil its obligations in the peace process, and repealing Council Regulation (EC) 2229/97 [1998] OJ L215/1	277
(6)	83, 85, 88	Council Regulation (EC) 1294/1999 of 15 June 1999 concerning a freeze of funds and a ban on investment in relation to the Federal Republic of Yugoslavia (FRY) and repealing Regulations (EC) 1295/98 and (EC) No 1607/98 [1999] OJ L153/63	277
(7)	86, 88	Council Regulation (EC) 2488/2000 of 10 November 2000 maintaining a freeze of funds in relation to Mr Milosevic and those persons associated with him and repealing Regulations (EC) 1294/1999 and 607/2000 and Article 2 of Regulation (EC) 926/98 [2000] OJ L287/19	277
(8)	86	Council Regulation (EC) 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [2001] OJ L12/1	49
(9)	88	Council Regulation (EC) 467/2001 of 6 March 2001 prohibiting the export of certain goods and services to	
rule 87(1)	164		
(2)	164		
(3)	164		
rule 90(1)	164		
(2)	164		
(3)	164		
(4)	165		
rule 114	164		
rule 138	164		
Rules of Procedure of the Court of Justice (as last amended on 15 January 2008) [2008] OJ L24/39	94		
Art 107(2)	94		
Regulations			
Council Regulation (EEC) No 2616/85 of 16 September 1985 concerning the conclusion of a Trade and Economic Cooperation Agreement between the European Economic Community and the People's Republic of China [1985] OJ L250/1	88		
Council Regulation (EEC) 3300/91 of 11 November 1991 suspending the trade concessions provided for by the Cooperation Agreement between the European Economic Community and the Socialist Federal Republic of Yugoslavia [1991] OJ L315/1	89		
Council Regulation (EEC) No 443/92 of 25 February 1992 on financial and technical assistance to, and economic cooperation with, the developing countries in Asia and Latin America [1992] OJ L52/1	92		
Council Regulation (EEC) 1608/93 of 24 June 1993 introducing an embargo concerning certain trade between the European Economic Community and Haiti [1993] OJ L155/2	90		

Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan, and repealing Regulation (EC) 337/2000 [2001] OJ L67/1	276–8	Council Regulation (EC) 2368/2002 of 20 December 2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds [2002] OJ L358/28	272
Regulation (EC) 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents [2001] OJ L145/43	140, 171, 173–5, 309, 311	Council Regulation (EC) No 561/2003 of 27 March 2003 amending, as regards exceptions to the freezing of funds and economic resources, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban [2003] OJ L82/1	277
Recital 7	173	Council Regulation (EC) No 807/2003 of 14 April 2003 adapting to Decision 1999/468/EC the provisions relating to committees which assist the Commission in the exercise of its implementing powers laid down in Council instruments adopted in accordance with the consultation procedure (unanimity) [2003] OJ L122/36	92
Art 1(a)	175	Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing the Instrument for Stability [2006] OJ L 327/1	293
Art 4	140, 173	Art 1	293
(1)(a)	173–5	Commission Regulation (EC) No 1226/2007 of 17 October 2007 amending Council Regulation (EC) No 2368/2002 implementing the Kimberley Process certification scheme for the international trade in rough diamonds [2007] OJ L277/7	272
Art 9	140		
(1)	173		
(2)	173		
(3)	173		
(4)	173		
Art 9(6)–(7)	173		
Commission Regulation (EC) 2062/2001 of 19 October 2001 amending, for the third time, Regulation 467/2001 [2001] OJ L277/25	276		
Commission Regulation (EC) 2199/2001 of 12 November 2001 amending, for the fourth time, Regulation 467/2001 [2001] OJ L295/16	276		
Council Regulation (EC) 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism [2001] OJ L344/70	181		
Council Regulation (EC) 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaeda network and the Taliban, and repealing Regulation 467/2001 [2002] OJ L139/9	276–8, 282		
Art 2(3)	277		

Joint Actions

Joint Action 95/545/CFSP of 11 December 1995 adopted by the Council on the basis of Article J.3 of the Treaty on European Union with regard to the participation of the Union in the implementing structures of the peace plan for
--

Bosnia-Herzegovina [1995]	the democratic process in Nigeria
OJ L309/2 147	[1998] OJ L354/1 117
Art 2 147	Council Joint Action 2000/811/CFSP of 22
Joint Action 96/197/JHA of 4 March 1996	December 2000 on the European
adopted by the Council on the	Union Monitoring Mission [2000]
basis of Article K.3 of the Treaty	OJ L328/53 156
on European Union on airport	Art 1(1) 156
transit arrangement [1996]	Art 2(1) 156
OJ L63/8 178, 268	(2)–(3) 156
Joint Action 96/656/CFSP of 11 November	(3) 156
1996 adopted by the Council	Council Joint Action 2001/554/CFSP of 20
on the basis of Article J.3 of the	July 2001 on the establishment
Treaty on European Union in	of a European Union Institute
support of the democratic	for Security Studies [2001]
transition process in Zaïre	OJ L200/1 117, 151
[1996] OJ L300/1 271	Recital 1 151
Joint Action 96/668/CFSP of 22 November	Recital 2 151
1996 adopted by the Council on	Art 1(1) 151
the basis of Articles J.3 and K.3	(2) 151
of the Treaty on European	Art 2 151
Union concerning measures	Art 3 151
protecting against the effects of	Art 4 151
the extra-territorial application	Council Joint Action 2001/555/CFSP of 20
of legislation adopted by a third	July 2001 on the establishment of
country, and actions based	a European Union Satellite Centre
thereon or resulting therefrom	[2001] OJ L200/5 117, 151
[1996] OJ L309/7 ... 117, 271, 296	Recital 1 151
Art 1 117	Recital 5 151
Joint Action 96/669/CFSP of 22 November	Art 1(1) 151
1996 adopted by the Council on the	Art 2(1) 151
basis of Article J.3 of the Treaty on	Art 3 151
European Union on the Great Lakes	Art 6 151
Region [1996] OJ L312/1 270	Council Joint Action 2002/210/CFSP of
Joint Action 97/817/CFSP of 28 November	11 March 2002 on the European
1997 adopted by the Council on	Union Police Mission [2002]
the basis of Article J.3 of the Treaty	OJ L70/1 153
on European Union, on anti-	Art 7 para 2 153
personnel landmines [1997]	Council Joint Action 2002/589/CFSP of 12
OJ L338/1 117	July 2002 on the European Union's
Joint Action 98/117/CFSP of 2 February	contribution to combating the
1998 adopted by the Council on the	destabilising accumulation and
basis of Article J.3 of the Treaty	spread of small arms and light
on European Union in support	weapons and repealing Joint
of the Bosnian Peace Process	Action 1999/34/CFSP [2002]
[1998] OJ L35/1 271	OJ L191/1 179, 283
Final Recital 271	Art 8 270
Art 4 271	Council Joint Action 2003/92/CFSP of 27
Joint Action 98/735/CFSP of 22 December	January 2003 on the European
1998 adopted by the Council on	Union military operation in the
the basis of Article J.3 of the Treaty	Former Yugoslav Republic of
on European Union in support of	Macedonia [2003] OJ L34/26 ... 153