



EU Law in Practice: Case Studies

Case Study A – Van Gend en Loos (1963)

Principle: Direct Effect

Background

Van Gend en Loos was a Dutch transport company importing chemicals from Germany into the Netherlands. When the goods crossed the border, Dutch customs imposed a higher import duty than before.

The company believed this increase violated the Treaty of Rome and decided to challenge the decision before a Dutch court.

The national court asked the Court of Justice of the European Union (CJEU) whether an individual company could rely directly on EU law before a national court.

The Court's Decision

The Court ruled that certain provisions of EU law create rights for individuals, not only for Member States.

This means that, under certain conditions, citizens and businesses can invoke EU law directly before their national courts without waiting for their country to adopt additional legislation.

Why It Matters

This judgment established the principle of Direct Effect, making EU law directly enforceable by individuals.

It strengthened the protection of citizens' rights and ensured that EU law could be applied consistently across all Member States.





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Case Study B – Costa v ENEL (1964)

Principle: Primacy of EU Law

Background

Mr. Flaminio Costa, an Italian citizen, opposed the nationalisation of Italy's electricity sector. He argued that the national law establishing the new electricity company conflicted with the Treaty of Rome.

The Italian court asked the CJEU whether national law could override EU law.

The Court's Decision

The Court ruled that EU law has priority over conflicting national legislation.

Member States voluntarily transferred certain powers to the European Union when they signed the Treaties. Therefore, they cannot later adopt national laws that contradict EU law in those areas.

Why It Matters

This judgment established the principle of Primacy of EU Law.

It ensures that EU legislation is applied consistently throughout the European Union and prevents different national laws from undermining common European rules.



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Case Study C – Cassis de Dijon (1979)

Principle: Mutual Recognition and the Free Movement of Goods

Background

A French fruit liqueur called *Cassis de Dijon* was legally produced and sold in France. However, Germany refused to allow its sale because it did not meet German rules requiring a higher minimum alcohol content for fruit liqueurs.

The importer argued that this restriction created an unnecessary barrier to trade within the European Community.

The Court's Decision

The Court ruled that products lawfully produced and marketed in one Member State should, in principle, be allowed to be sold in all other Member States.

Restrictions are only justified when they are necessary to protect important public interests, such as health or consumer protection.

Why It Matters

This judgment introduced the principle of Mutual Recognition, which became one of the foundations of the EU Single Market.

It reduced unnecessary trade barriers while allowing Member States to protect legitimate public interests where appropriate.

