

Table of Contents

PART I. COMMENTARY, TREATIES AND OTHER BASIC DOCUMENTS

A. COMMENTARY

CHAPTER 1. INTRODUCTION AND EVOLUTION OF THE EUROPEAN UNION

I. INTRODUCTION

- § 1:1 Abbreviations used
- § 1:2 Member states of the European Union

II. EVOLUTION OF THE EUROPEAN UNION

- § 1:3 The early years (1945-1958)
- § 1:4 The European Communities (1958-1987)
- § 1:5 The Single European Act and its aftermath (1987-1993)
- § 1:6 The Treaty on European Union and its aftermath
(1993-1999)
- § 1:7 The Treaty of Amsterdam (1999)
- § 1:8 The Treaty of Lisbon (2007)

CHAPTER 2. THE STRUCTURE OF THE EUROPEAN UNION

I. INTRODUCTION

- § 2:1 Introduction

II. THE INSTITUTIONS

- § 2:2 Introduction
- § 2:3 The European Parliament
- § 2:4 The European Council
- § 2:5 The Council
- § 2:6 The Commission
- § 2:7 The Court Of Justice
- § 2:8 The Court Of Auditors

III. THE COMMITTEE OF PERMANENT REPRESENTATIVES

- § 2:9 The Committee of Permanent Representatives

IV. THE ADVISORY BODIES

- § 2:10 Introduction
- § 2:11 The Economic and Social Committee
- § 2:12 The Committee of Regions
- § 2:13 The Specialized Committees
- § 2:14 Other Committees

V. THE EUROPEAN INVESTMENT BANK

- § 2:15 The European Investment Bank

VI. THE OMBUDSMAN

- § 2:16 The Ombudsman

VII. THE FINANCES OF THE EUROPEAN UNION

- § 2:17 The Budget
- § 2:18 The Union's own resources

VIII. ACCESSION TO AND WITHDRAWAL FROM THE EUROPEAN UNION

- § 2:19 Accession to the European Union
- § 2:20 Withdrawal from the European Union

IX. REVISION OF THE TREATIES

- § 2:21 The Ordinary Revision Procedure
- § 2:22 Simplified revision procedures

CHAPTER 3. THE DISTRIBUTION AND EXERCISE OF STATE POWER IN THE EUROPEAN UNION

I. THE DIVISION OF POWER IN THE EUROPEAN UNION

- § 3:1 Introduction
- § 3:2 Situation prior to the Treaty of Lisbon
- § 3:3 Subsidiarity and proportionality
- § 3:4 The Principle Of Attribution
- § 3:5 The competences of the European Union
- § 3:6 The competences of the member states

II. THE EXERCISE OF STATE POWER BY THE EUROPEAN UNION

- § 3:7 Legislative and executive powers
- § 3:8 Legislative acts under the treaties

TABLE OF CONTENTS

- § 3:9 Executive acts under the treaties
- § 3:10 Legal instruments of the European Union
- § 3:11 The right of legislative initiative
- § 3:12 Voting in the institutions
- § 3:13 Adoption of legislative acts
- § 3:14 The quasi-legislative powers of the Commission
- § 3:15 Adoption of executive acts
- § 3:16 The procedures for concluding international agreements

III. FUNDAMENTAL RIGHTS AND NON-DISCRIMINATION IN THE EUROPEAN UNION

- § 3:17 Fundamental rights
- § 3:18 Non-discrimination

IV. THE DEMOCRATIC DEFICIT OF THE EUROPEAN UNION

- § 3:19 Introduction
- § 3:20 The increased powers of the European Parliament
- § 3:21 The increased role of national parliaments
- § 3:22 The involvement of civil society
- § 3:23 Other provisions

CHAPTER 4. ENHANCED COOPERATION AND ECONOMIC AND MONETARY UNION

I. ENHANCED COOPERATION

- § 4:1 Introduction
- § 4:2 Conditions for authorizing enhanced cooperation
- § 4:3 Procedures for authorizing enhanced cooperation
- § 4:4 Authorization for non-exclusive areas, excluding the CFSP
- § 4:5 Authorization within the framework of the CFSP
- § 4:6 Voting in enhanced cooperation
- § 4:7 Participation by other member states
- § 4:8 Permanent structured cooperation

II. ECONOMIC AND MONETARY UNION

- § 4:9 Introduction
- § 4:10 Economic policy
- § 4:11 Monetary policy

CHAPTER 5. EDGING TOWARDS FEDERALISM? THE EUROPEAN UNION AFTER LISBON

I. INTRODUCTION

- § 5:1 Introduction

II. THE NATURE OF FEDERAL STATES

§ 5:2 The nature of federal states

III. UNIFORM FEDERAL SYSTEM

§ 5:3 Uniform federal system

IV. AUTONOMY OF THE EUROPEAN UNION

§ 5:4 Autonomy of the European Union

V. PLENARY AUTHORITY OF THE EUROPEAN UNION

§ 5:5 Plenary authority of the European Union

VI. ENTRENCHMENT OF AUTONOMY AND PLENARY AUTHORITY

§ 5:6 Entrenchment of autonomy and plenary authority

VII. THE COHESION OF THE EUROPEAN UNION

§ 5:7 The cohesion of the European Union

VIII. THE INTERNAL COHESION OF THE EUROPEAN UNION

§ 5:8 Commonality of rights

§ 5:9 Commonality of purpose

IX. THE EXTERNAL COHESION OF THE EUROPEAN UNION

§ 5:10 The external cohesion of the European Union

X. CONCLUDING REMARKS

§ 5:11 Concluding remarks

B. TREATIES AND OTHER BASIC DOCUMENTS

CHAPTER 6. THE TREATIES

§ 6:1 Consolidated version of the Treaty establishing the European Atomic Energy Community with Annexes and Protocols, OJ C203/16

§ 6:2 Consolidated Version of the Treaty on the Functioning of the European Union, OJ C202/16

§ 6:3 Annexes to the Treaty on the Functioning of the European Union, OJ C202/16

§ 6:4 Consolidated Version of the Treaty on European Union, OJ C202/16

TABLE OF CONTENTS

- § 6:5 Consolidated Version of the Protocols to the European Treaties, OJ C202/16
- § 6:6 Corrigendum to the Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, OJ C59/17
- § 6:7 Declarations Annexed to the Final Act of the Intergovernmental Conference Which Adopted the Treaty of Lisbon (2007), OJ C202/16

CHAPTER 6A. OTHER INSTITUTIONAL INSTRUMENTS

- § 6A:1 Regulation 1/58 determining the languages to be used by the European Economic Community [*now European Union*], OJ 17/1958: Consolidation as at May 10, 2013
- § 6A:2 Charter of Fundamental Rights of the European Union, OJ C326/12
- § 6A:3 Interinstitutional Proclamation on the European Pillar of Social Rights, OJ C428/17
- § 6A:4 EP/Council Regulation 19/788 on the European citizens' initiative, OJ L130/19
- § 6A:5 Council Decision 20/2053 on the system of own resources of the European Union and repealing Decision 2014/335. OJ L424/20
- § 6A:6 Council Regulation 21/768 laying down implementing measures for the system of own resources of the European Union and repealing Regulation 608/2014, OJ L165/21

CHAPTER 6B. THE COMMISSION

- § 6B:1 Rules of Procedure of the Commission, OJ L308/00: Consolidation as at November 16, 2011
- § 6B:2 EP/Council Regulation 182/11 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, OJ L55/11
- § 6B:3 European Council Decision 19/1989 appointing the European Commission, OJ L308/19
- § 6B:4 Commission decision 20/555 amending its Rules of Procedure, OJ L127/20

CHAPTER 6C. THE EUROPEAN PARLIAMENT

- § 6C:1 Act concerning the election of the representatives on the European Parliament by direct universal suffrage: Consolidated version incorporating Council Decision of Feb. 1, 1993, OJ L278/76
- § 6C:2 Council Decision 02/772 amending the Act concerning the election of the representatives on the European Parliament by direct universal suffrage, Annexed to Decision 76/787, OJ L283/02
- § 6C:3 Rules of Procedure of the European Parliament (July 2019), OJ L302/19

- § 6C:4 European Council Decision 23/2061 establishing the composition of the European Parliament, OJ L238/23

CHAPTER 6D. THE COUNCIL

- § 6D:1 Council Decision 09/878 establishing the list of Council configurations in addition to those referred to in the second and third subparagraphs of Article 16(6) of the Treaty on European Union, OJ L315/09 (Consolidation as at September 16, 2010)
- § 6D:2 European Council Decision 09/881 on the exercise of the Presidency of the Council, OJ L15/09
- § 6D:3 Council Decision 09/908 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council, OJ L322/09 (Consolidation as at December 9, 2009)
- § 6D:4 Council Decision 09/937 adopting the Council's Rules of Procedure, OJ L325/09: Consolidation as at January 1, 2021
- § 6D:5 Council Decision 20/2030 amending the Council's Rules of Procedure, OJ L419/20
- § 6D:6 Council Decision 21/2320 amending the Council's Rules of Procedure, OJ L462/21
- § 6D:7 Council Decision 22/1242 amending the Council's Rules of Procedure, OJ L190/22
- § 6D:8 Council Decision 22/2518 amending the Council's Rules of Procedure, OJ L326/22
- § 6D:9 Council Decision 23/2827 amending the Council's Rules of Procedure, OJ L14/12/23

CHAPTER 6E. THE COURT OF JUSTICE

- § 6E:1 EP/Council Regulation 741/12 amending the Protocol on the Statute of the Court of Justice of the European Union and Annex I thereto, OJ L228/12
- § 6E:2 Rules of Procedure of the Court of Justice: Consolidation as at September 25, 2012, OJ L265/12
- § 6E:3 EP/Council Regulation 15/2422 amending Protocol No. 3 on the Statute of the Court of Justice of the European Union, OJ L341/15
- § 6E:4 Recommendations to national courts and tribunals in relation to the of preliminary ruling proceedings, OJ C257/18
- § 6E:5 EP/Council Regulation 19/629 amending Protocol No 3 on the Statute of Court of Justice of the European Union, OJ L111/19
- § 6E:6 Amendments of the Rules of Procedure of the Court of Justice, OJ L111/19
- § 6E:7 Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings, OJ C380/19
- § 6E:8 Amendments to the Rules of Procedure of the Court of Justice, OJ L316/19

CHAPTER 6F. THE EUROPEAN COUNCIL

- § 6F:1 European Council Decision 09/882 adopting its Rules of Procedure, OJ L315/09

CHAPTER 6G. RELATIONS BETWEEN THE INSTITUTIONS

- § 6G:1 Joint Declaration of the European Parliament, the Council and the Commission on practical arrangements for the Co-Decision Procedure, OJ C145/07
- § 6G:2 Framework Agreement on relations between the European Parliament and the European Commission, OJ L304/10
- § 6G:3 Interinstitutional Agreement between the European Council, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, OJ C373/13
- § 6G:4 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L123/16
- § 6G:5 Protocol on cooperation between the European Commission and the European Economic and Social Committee, C03-19-24

CHAPTER 6H. BREXIT

- § 6H:1 The UK-EU Trade and Cooperation Agreement, OJ L149/21 (Dec. 24, 2020)
- § 6H:2 Political declaration setting out the framework for the future relationship between the European Union and the United Kingdom, OJ C34/20
- § 6H:3 The Northern Ireland Protocol (2020)
- § 6H:4 The Windsor Framework (2023)—Decision 1/23 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework, OJ L102/23
- § 6H:5 EP/Council Regulation 23/657 laying down rules for the exercise of the Union's rights in the implementation and enforcement of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community and of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, OJ L83/23
- § 6H:6 Decision 1/23 of the Joint Committee established by the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of

- 023 laying down arrangements relating to the Windsor Framework, OJ L102/23
- § 6H:7 Council Regulation 23/1479 laying down rules for the exercise of the Community's rights in the implementation of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, OJ L182/23

PART II. PUBLIC PROCUREMENT LAW

CHAPTER 7. GOVERNMENT PROCUREMENT IN THE EUROPEAN UNION (AND THE EEA)

I. THE DEVELOPMENT OF THE EU GOVERNMENT PROCUREMENT REGIME

- § 7:1 Overview

II. THE EC TREATY

- § 7:2 Overview

III. SECONDARY LEGISLATION

A. GOVERNMENT PROCUREMENT CONTRACTS AWARD PROCEDURE: THE WORKS AND SERVICES DIRECTIVES

- § 7:3 Scope of the public sector procurement directives
- § 7:4 The works and services directives—Contracts covered
- § 7:5 Concession contracts
- § 7:6 Design contests
- § 7:7 Thresholds
- § 7:8 Excluded contracts
- § 7:9 Non-discrimination and equality of treatment
- § 7:10 Types of procedures
- § 7:11 Notices
- § 7:12 Prior information on procurement programs
- § 7:13 Publication of tender notices
- § 7:14 Time limits
- § 7:15 Qualification of tenderers
- § 7:16 Financial and economic standing
- § 7:17 Technical capacity and capability
- § 7:18 Other grounds for exclusion
- § 7:19 Technical specifications
- § 7:20 Terms and conditions by authority and tenderer
- § 7:21 Evaluation of bids and award of the contract

TABLE OF CONTENTS

§ 7:22 Post-award notices

B. UTILITIES PUBLIC CONTRACTS AWARD PROCEDURE: THE UTILITIES DIRECTIVES

- § 7:23 Entities operating in the utilities sector
- § 7:24 Scope of the utilities directives
- § 7:25 Contracts covered
- § 7:26 Thresholds
- § 7:27 Excluded contracts
- § 7:28 Non-discrimination and equality of treatment
- § 7:29 The three award procedures
- § 7:30 Notices
- § 7:31 Time limits
- § 7:32 Qualification of tenderers
- § 7:33 Technical specifications
- § 7:34 Evaluation of bids and award of the contract
- § 7:35 Post-award notices

IV. REMEDIES

A. INTRODUCTION

§ 7:36 Introduction

B. ENFORCEMENT BY THE COMMISSION

- § 7:37 General
- § 7:38 The corrective mechanism

C. REMEDIES IN THE NATIONAL COURTS

- § 7:39 General principles
- § 7:40 The Remedies Directives
- § 7:41 Utilities Sector Alternative System of Financial Penalties
- § 7:42 Conciliation Procedure in the Utilities Sector
- § 7:43 Attestation Mechanism in the Utilities Sector

CHAPTER 8. *[Reserved]*

CHAPTER 8A. PUBLIC CONTRACTS

- § 8A:1 EP/Council Directive 09/81 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC, OJ L216/09: Consolidation as at May 13, 2013 (*Annexes omitted*)
- § 8A:2 EP/Council Directive 14/23 on the award of concession contracts, OJ L94/14 (*Annexes V to XI omitted*)
- § 8A:3 Directive 2014/24/EU of the European Parliament and of

the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC, OJ L94/14 (*Annexes omitted*)

- § 8A:4 EP/Council Directive 14/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC, OJ L84/14 (*Annexes II to XXI omitted*)
- § 8A:5 ECB Decision 16/245 laying down the rules of procurement, OJ L45/16

CHAPTER 8B. ENFORCEMENT

- § 8B:1 Council Directive 89/665 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts, OJ L396/89 (Consolidation as of Apr. 17, 2014)
- § 8B:2 Council Directive 92/13 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors, OJ L84/14 (Consolidation as of Apr. 17, 2014)

PART III. BANKING LAW

CHAPTER 9. THE BANKING REGIME OF THE EUROPEAN UNION

I. INTRODUCTION

- § 9:1 Overview
- § 9:2 Scope
- § 9:3 National law

II. AUTHORIZATION

- § 9:4 General provisions
- § 9:5 National requirements
- § 9:6 Requirements under the Directive
- § 9:7 Withdrawal of an authorization

III. LIBERALIZATION

- § 9:8 General provisions
- § 9:9 Freedom of establishment
- § 9:10 Freedom to provide services

IV. PRUDENTIAL SUPERVISION: INTRODUCTION

- § 9:11 Home and host member states—General provisions

TABLE OF CONTENTS

- § 9:12 —Branches
- § 9:13 —Services
- § 9:14 Significant branches
- § 9:15 Exchange of information and professional secrecy
- § 9:16 Auditors
- § 9:17 Governance and risk
- § 9:18 Enforcement
- § 9:19 Consolidated supervision

V. PRUDENTIAL SUPERVISION: QUALIFYING HOLDINGS

- § 9:20 Qualifying holdings in a credit institution
- § 9:21 Qualifying holdings by credit institutions outside the financial sector

VI. PRUDENTIAL SUPERVISION: OWN FUNDS

- § 9:22 Composition of own funds
- § 9:23 Common equity tier 1 items
- § 9:24 Additional tier 1 capital
- § 9:25 Tier 2 capital
- § 9:26 Reduction of own funds
- § 9:27 General required level of own funds
- § 9:28 Reporting requirements

VII. PRUDENTIAL SUPERVISION: CAPITAL REQUIREMENTS FOR CREDIT RISK

- § 9:29 General provisions
- § 9:30 Standardized approach
- § 9:31 Internal Ratings Based Approach (IRB)—General provisions
- § 9:32 —Calculation of risk-weighted exposure amounts
- § 9:33 —Expected loss amounts
- § 9:34 —PD and LGD
- § 9:35 —Exposure values
- § 9:36 Credit risk mitigation—General principles
- § 9:37 —Eligibility
- § 9:38 Securitization—Definition
- § 9:39 —Calculation of risk-weighted exposure amounts
- § 9:40 —Recognition of credit risk mitigation for securitization positions
- § 9:41 —External credit assessments
- § 9:42 Counterparty Credit Risk (CCR)—Definition
- § 9:43 —Exposure values
- § 9:44 —Methods for calculating the exposure value

VIII. PRUDENTIAL SUPERVISION: OWN FUNDS REQUIREMENTS FOR OPERATIONAL RISK

- § 9:45 General principles

- § 9:46 Basic indicator approach
- § 9:47 Standardized approach
- § 9:48 Advanced measurement approaches

IX. PRUDENTIAL SUPERVISION: OWN FUNDS REQUIREMENTS FOR MARKET RISK

- § 9:49 Own funds requirements for position risk—General rule
- § 9:50 —Debt instruments
- § 9:51 —Equities
- § 9:52 —Underwriting
- § 9:53 Own funds requirements for Collective Investment Undertakings (CIUs)
- § 9:54 Own funds requirements for foreign-exchange risk
- § 9:55 Own funds requirements for commodities risk—general
- § 9:56 —Mature ladder approach
- § 9:57 —Simplified approach
- § 9:58 —Extended maturity ladder approach
- § 9:59 Use of internal models to calculate own funds requirements

X. PRUDENTIAL SUPERVISION: OWN FUNDS REQUIREMENTS FOR SETTLEMENT RISK

- § 9:60 General

XI. PRUDENTIAL SUPERVISION: OWN FUNDS REQUIREMENTS FOR CREDIT VALUATION ADJUSTMENT RISK

- § 9:61 General
- § 9:62 Advanced method
- § 9:63 Standardized method

XII. PRUDENTIAL SUPERVISION: CAPITAL BUFFERS

- § 9:64 Capital conservation buffer
- § 9:65 Institution-specific countercyclical capital buffer
- § 9:66 Global and other systemically important institutions
- § 9:67 Systemic risk buffer
- § 9:68 Capital conservation measures

XIII. PRUDENTIAL SUPERVISION: LARGE EXPOSURES

- § 9:69 General provisions
- § 9:70 Definition of exposures
- § 9:71 Definition of large exposures
- § 9:72 Calculation of the exposure value
- § 9:73 Internal procedural requirements
- § 9:74 Reporting requirements
- § 9:75 Limits on large exposures

TABLE OF CONTENTS

XIV. PRUDENTIAL SUPERVISION: EXPOSURES TO TRANSFERRED CREDIT RISK

- § 9:76 Scope
- § 9:77 Requirements for investor institutions
- § 9:78 Requirements for sponsor and originator institutions

XV. PRUDENTIAL SUPERVISION: LIQUIDITY

- § 9:79 General provisions
- § 9:80 The liquidity coverage requirement
- § 9:81 The liquidity buffer
- § 9:82 Stable funding
- § 9:83 Format and frequency of reporting on liquidity coverage requirement
- § 9:84 Format and frequency of reporting on stable funding
- § 9:85 Derogation from the application of liquidity requirements on an individual basis

XVI. PRUDENTIAL SUPERVISION: LEVERAGE

- § 9:86 Definition
- § 9:87 Calculation of the leverage ratio
- § 9:88 Reporting requirements

XVII. PRUDENTIAL SUPERVISION: DISCLOSURE

- § 9:89 Disclosure by credit institutions
- § 9:90 Disclosure by competent authorities

XVIII. PRUDENTIAL SUPERVISION: DEROGATIONS FROM THE PRUDENTIAL RULES

- § 9:91 Derogation from the application of prudential requirements on an individual basis
- § 9:92 Derogation for credit institutions permanently affiliated to a central body

XIX. PRUDENTIAL SUPERVISION: TRANSITIONAL ARRANGEMENTS

- § 9:93 Overview

XX. RELATIONS WITH THIRD COUNTRIES

- § 9:94 Overview

Table of Contents

PART III. BANKING LAW (CONTINUED)

CHAPTER 10. GENERAL LEGISLATION

- § 10:1 EP/Council Directive 01/24 on the reorganisation and winding up of credit institutions, OJ L125/01
- § 10:2 EP/Council Directive 09/110/EC of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC, OJ L267/09
- § 10:3 EP/Council Directive 13/36 on access to the activity of credit institutions and the prudential supervision of credit institutions, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC, OJ L176/13 (Consolidation as at January 9, 2024)
- § 10:4 EP/Council Directive 21/2167 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU, OJ L438/21

CHAPTER 10A. PRUDENTIAL AND ACCOUNTING MEASURES

- § 10A:1 Council Directive 86/635 of 8 December 1986 on the annual accounts and consolidated accounts of banks and other financial institutions, OJ L372/86: Consolidation as of September 30, 2010
- § 10A:2 EP/Council Regulation 575/13 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012, 176/13 (Consolidation as at January 1, 2023)
- § 10A:3 EPD/Council Directive 14/59/EU establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council, OJ L173/14 (Consolidation as Jan. 9, 2024)
- § 10A:4 Commission Implementing Decision 14/908 on the equivalence of the supervisory and regulatory requirements of certain third countries and territories for the purposes of the treatment of exposures according to Regulation (EU) No 575/2013 of the European Parliament and of the Council, OJ L359/14: Consolidation as at December 21, 2016

CHAPTER 10B. CONDUCT OF BUSINESS

- § 10B:1 Council Framework Decision 01/500 of 26 June 2001 on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime, OJ L182/01 (Acts adopted pursuant to Title VI of the Treaty on European Union)
- § 10B:2 The Law on Money Laundering in the European Union
- § 10B:3 EP/Council Regulation 924/09 of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001, OJ L266/09
- § 10B:4 EP/Council Regulation 648/2012 on OTC derivatives, central counterparties and trade repositories, OJ L201/13 (consolidation as at August 12, 2022)
- § 10B:5 EP/Council Directive 15/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation 648/12 of the European Parliament and of the Council, and repealing Directive 05/60 of the European Parliament and of the Council and Commission Directive 06/70, OJ L141/15 (Directive is replaced by Regulation 24/1624 as of July 10, 2027)
- § 10B:6 EP/Council Directive 15/2366 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC, OJ L337/15: Consolidation as at December 23, 2015
- § 10B:7 Communication from the Commission on an Action Plan for a comprehensive Union policy on preventing money laundering and terrorist financing, OJ C164/20
- § 10B:8 EP/Council Regulation 24/1624 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, OJ 19.06.24

CHAPTER 10C. CREDIT MATTERS

- § 10C:1 EP/Council Directive 21/2167 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU, OJ L438/21 Implemented by Regulation 23/2083 (OJ L241/23)

PART IV. INSURANCE LAW (EXPORT INSURANCE IS TREATED IN PART XV ON FOREIGN TRADE LAW)

CHAPTER 11. THE INSURANCE REGIME OF THE EUROPEAN UNION, INCLUDING REINSURANCE

I. INTRODUCTION

- § 11:1 Introduction

TABLE OF CONTENTS

- § 11:2 Scope
- § 11:3 National law
- § 11:4 Applicable law

II. AUTHORIZATION OF INSURANCE UNDERTAKINGS

- § 11:5 General provisions
- § 11:6 Scope of authorization
- § 11:7 National requirements
- § 11:8 Requirements under the Directives
- § 11:9 Withdrawal of an authorization

III. LIBERALIZATION

- § 11:10 General provisions
- § 11:11 Establishment of a Branch
- § 11:12 Provision of services

IV. PRUDENTIAL SUPERVISION

- § 11:13 General provisions
- § 11:14 Technical provisions—General requirement
- § 11:15 —Principles for calculation of amount of technical provisions under directive 02/83
- § 11:16 —Equalization reserve
- § 11:17 —Covering of technical provisions
- § 11:18 Solvency margin—The available solvency margin
- § 11:19 —The required solvency margin
- § 11:20 Guarantee fund
- § 11:21 Qualifying holdings
- § 11:22 Transfers of portfolios
- § 11:23 Consumer protection
- § 11:24 Auditors
- § 11:25 Professional secrecy
- § 11:26 Simultaneous insurance activities

V. UNDERTAKINGS IN DIFFICULTY OR IN AN IRREGULAR SITUATION

- § 11:27 Non-Compliance with technical provisions
- § 11:28 Failure to maintain the required solvency margin
- § 11:29 Failure to maintain the Minimum Guarantee Fund
- § 11:30 Other measures
- § 11:31 Financial recovery plan

VI. INTERNATIONAL ASPECTS

- § 11:32 Specific rules applicable to agencies or branches established within the European Union and belonging to insurance undertakings whose head offices are outside the Union—General remark

- § 11:33 —Authorization
- § 11:34 —Simultaneous activities
- § 11:35 —Transfers of portfolios
- § 11:36 —Technical provisions
- § 11:37 —Solvency margins
- § 11:38 —Guarantee fund
- § 11:39 —Possibility of European-wide treatment
- § 11:40 Reinsurance undertakings whose head offices are outside the European Union and who conduct reinsurance activities in the Union
- § 11:41 Rules applicable to subsidiaries of parent undertakings governed by the laws of a third country and acquisitions by such parent undertakings—Authorization of foreign subsidiaries
- § 11:42 —Third-country treatment of EU insurance and reinsurance undertakings

VII. TRANSITIONAL PROVISIONS

- § 11:43 Overview

Table of Contents

PART IX. INTELLECTUAL PROPERTY LAW (CONTINUED)

CHAPTER 23. EUROPEAN UNION TRADEMARK LAW

I. INTRODUCTION

- § 23:1 In general
- § 23:2 National trade mark protection
- § 23:3 The Madrid agreements

II. COMMUNITY TRADE MARK AND HARMONIZATION

- § 23:4 In general
- § 23:5 The Harmonization Directive

III. THE COMMUNITY TRADE MARK

- § 23:6 Nature
- § 23:7 Scope
- § 23:8 Applications
- § 23:9 Oppositions
- § 23:10 Conversion procedure
- § 23:11 Priority
- § 23:12 Seniority
- § 23:13 Infringement actions
- § 23:14 Remedies

IV. THE MADRID PROTOCOL

- § 23:15 In general
- § 23:16 Applications

V. NATIONAL RIGHTS AND THE COMMUNITY TRADE MARK

- § 23:17 Overview

VI. RECENT DEVELOPMENTS

- § 23:18 Piracy and counterfeiting
- § 23:19 Enlargement

CHAPTER 24. COPYRIGHT AND RELATED RIGHTS

- § 24:1 Council Directive 93/83 of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission, OJ L248/93
- § 24:2 EP/Council Directive 96/9 on the legal protection of databases, OJ L77/96
- § 24:3 EP/Council Directive 01/29 on the harmonization of certain aspects of copyright and related rights in the information society, OJ L167/01: Consolidation as at May 17, 2019
- § 24:4 EP/Council Directive 06/116 on the Term of Protection of Copyright and Certain Related Rights, OJ L372/06: Consolidation as of October 11, 2011
- § 24:5 EP/Council Directive 06/115 of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property (Codified version), OJ L376/06
- § 24:6 EP/Council Directive 09/24 of 23 April 2009 on the legal protection of computer programs (Codified version), OJ L111/09
- § 24:7 EP/Council Directive 14/26 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market, OJ L84/14
- § 24:8 EP/Council Directive 19/789 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programs, and amending Council Directive 93/83/EEC, OJ L130/19

CHAPTER 24A. PATENTS AND DESIGNS

- § 24A:1 Agreement relating to Community patents (Luxembourg, 5th December 1989), including the amended Community Patent Convention, OJ L401/89
- § 24A:2 EP/Council Directive 98/44 on the legal protection of biotechnological inventions, OJ L213/98
- § 24A:3 EP/Council Regulation 469/09 concerning the supplementary protection certificate for medicinal products (Codified version), OJ L152/09
- § 24A:4 EP/Council Regulation 1257/12 implementing enhanced cooperation in the area of the creation of unitary patent protection, OJ L361/12
- § 24A:5 Council Decision 11/167 authorising enhanced cooperation in the area of the creation of unitary patent protection, OJ L76/11
- § 24A:6 Agreement on Unified Patent Court, OJ C175/13

CHAPTER 24B. TRADEMARKS

- § 24B:1 EP/Council Directive 15/2436 to approximate the laws of

TABLE OF CONTENTS

- the Member relating to trade marks (Recast), OJ L336/15: Consolidation as at April 26, 2016
- § 24B:2 EP/Council Regulation 17/1001 on the European Union trade mark, OJ L154/17

CHAPTER 24C. ENFORCEMENT

- § 24C:1 EP/Council Directive 04/48 on the enforcement of intellectual property rights, OJ L195/04
- § 24C:2 EP/Council Regulation 608/13 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003, OJ L181/13

CHAPTER 24D. TRADE SECRETS

- § 24D:1 EP/Council Directive 16/943 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure, OJ L157/16

CHAPTER 24E. TOPOGRAPHIES AND DESIGNS

- § 24E:1 EP/Council Directive 98/71 on the Legal Protection of Designs
- § 24E:2 Council Regulation 6/02 on Community designs, OJ L3/02: Consolidation as of March 20, 2011

PART X. FREE MOVEMENT OF PERSONS AND SERVICES

CHAPTER 25. TRADE IN SERVICES IN THE EUROPEAN UNION

I. TERMINOLOGY

- § 25:1 Market access
- § 25:2 National treatment
- § 25:3 Domestic regulation
- § 25:4 Most-Favored-Nation treatment

II. MODES OF MARKET ENTRY

- § 25:5 Overview

III. MARKET ACCESS

- § 25:6 The barriers to market access
- § 25:7 Nature of the barriers
- § 25:8 Categorizing national measures
- § 25:9 The barriers and market entry modes

IV. DISCRIMINATION IN LAW

§ 25:10 Overview

V. DISCRIMINATION IN FACT AND DOMESTIC REGULATION

§ 25:11 Overview

VI. MARKET ACCESS AND NATIONAL TREATMENT

§ 25:12 Overview

VII. THE LIBERALIZATION OF SERVICES IN THE EUROPEAN UNION

A. INTRODUCTION

- § 25:13 The Source of European Union Law of Services
- § 25:14 Nature and application of EU Law
- § 25:15 The Scope of EU Law on Services—Services covered
- § 25:16 —Persons covered
- § 25:17 —Modes of supply covered
- § 25:18 The approach of the EU to the liberalization of services—A uniform approach
- § 25:19 —Market access and national treatment
- § 25:20 —Method of liberalization
- § 25:21 Relationship between EU Law and GATS

B. MARKET ACCESS

- § 25:22 Market access under the ECT
- § 25:23 Market access under the secondary legislation
- § 25:24 The EU approach to market access

C. NATIONAL TREATMENT

- § 25:25 Introduction
- § 25:26 The prohibition of discrimination
- § 25:27 The extended scope of national treatment under EU Law
- § 25:28 The EU approach to national treatment

D. DOMESTIC REGULATION

- § 25:29 The general approach
- § 25:30 The specific issues of domestic regulation
- § 25:31 —Host-State qualifications and mutual recognition (Measure (k))—The general approach
- § 25:32 — —Directive 05/36: Third-Country qualifications
- § 25:33 — —Recognition on the basis of coordination of minimum training conditions (Title III, Chapter III)
- § 25:34 — —Recognition of professional experience (Title III, Chapter II)

TABLE OF CONTENTS

- § 25:35 — —General system for the recognition of evidence of training (Title III, Chapter I)
- § 25:36 —Authorization schemes (Measure (h))
- § 25:37 —Membership in professional or trade organizations/ access to national health service (Measures (i) and (j))
- § 25:38 —Restrictions on home-state national (Measures (d) and (e))
- § 25:39 —Host-State technical standards (Measure (l))
- § 25:40 —Host-State professional rules and other Host-State Rules
- § 25:41 —Requirement of a specific legal form (Measure (a))
- § 25:42 —Use of titles (Measure (b))
- § 25:43 —Quantitative restrictions (Measure (g))
- § 25:44 —Requirement of competence in the Host-State language (Measure (o))
- § 25:45 —General Administration of Domestic Rules (Measure (p))

E. MOST-FAVORED-NATION TREATMENT

- § 25:46 Overview

F. THE GENERAL EXCEPTIONS TO THE RULES

- § 25:47 Introduction
- § 25:48 Balance-of-Payments exception
- § 25:49 General exception
- § 25:50 Security exception

G. ENFORCEMENT OF EU LAW

- § 25:51 Introduction
- § 25:52 Enforcement by the national courts and the role of the court of justice
- § 25:53 Enforcement by the court of justice

H. FURTHER DEVELOPMENT OF EU LAW

- § 25:54 Overview

CHAPTER 26. MEASURES OF GENERAL APPLICABILITY

- § 26:1 EP/Council Directive 04/38 of April 29, 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC, OJ L158/04
- § 26:2 EP/Council Regulation 16/399 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L77/16

CHAPTER 26A. EMPLOYEES

- § 26A:1 EP/Council Directive 96/71 (of December 16, 1996)

- concerning the posting of workers in the framework of the provision of services, OJ L18/97
- § 26A:2 EP/Council Regulation 492/11 on freedom of movement for workers within the Union, OJ L141/11
- § 26A:3 EP/Council Directive 14/54 on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, OJ L128/14
- § 26A:4 EP/Council Regulation 16/589 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets, and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013, OJ L107/16

CHAPTER 26B. GENERAL MEASURES ON QUALIFICATIONS

- § 26B:1 EP/Council Directive 05/36 on the recognition of professional qualifications, OJ L255/05 (Annexes omitted) (consolidation Mar. 3, 2024)
- § 26B:2 Commission Recommendation (EU) 2023/2611 of 15 November 2023 on the recognition of qualifications of third-country nationals, OJ L24/11/23

CHAPTER 26C. FREE MOVEMENT OF SERVICES AND ESTABLISHMENT

- § 26C:1 Council Directive 77/249 to facilitate the effective exercise by lawyers of freedom to provide services, OJ L78/77: Consolidation as at July 7, 2013
- § 26C:2 Council Directive 98/5 to facilitate the practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, OJ L376/06: Consolidation as at July 7, 2013
- § 26C:3 EP/Council Directive 06/123 of December 12, 2006, on services in the internal market, OJ L376/06
- § 26C:4 EP/Council Regulation 18/644 on cross-border parcel delivery services, OJ L112/18
- § 26C:5 EP/Council Directive 19/882 on the accessibility requirements for products and services, OJ L151/19
- § 26C:6 EP/Council Regulation 20/1503 on European crowdfunding service providers for business, and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937, OJ L347/20
- § 26C:7 EP/Council Regulation 22/2111 supplementing Regulation (EU) 2020/1503 of the European Parliament and of the Council with regard to regulatory technical standards specifying conflicts of interest requirements for crowdfunding service providers, OJ L287/22

CHAPTER 26D. THIRD-COUNTRY NATIONALS

- § 26D:1 Council Directive 03/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, OJ L16/04

TABLE OF CONTENTS

- § 26D:2 EP/Council Directive 11/98 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ L343/11
- § 26D:3 EP/Council Directive 14/66 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L157/14 (Directive is replaced by Directive 24/1233 as of May 22, 2026)
- § 26D:4 EP/Council Directive 16/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L132/16
- § 26D:5 EP/Council Regulation 18/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L303/18
- § 26D:6 EP/Council Directive 21/1883 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L382/21
- § 26D:7 EP/Council Directive 24/1233 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ 30.04.24)

PART XI *[Reserved]*

CHAPTER 27. *[Reserved]*

PART XII. EMPLOYMENT AND SOCIAL LAW

CHAPTER 28. WORKERS RIGHTS AND CONDITIONS OF WORK

- § 28:1 Council Directive 91/533 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, OJ L288/91
- § 28:2 Council Directive 98/59 on the approximation of the laws of the Member States relating to collective redundancies, OJ L225/98
- § 28:3 Council Directive 01/23 on the approximation of the laws of the Member States relating to the safeguarding of employees rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses, OJ L82/01

- § 28:4 EP/Council Directive 02/14 establishing a general framework for informing and consulting employees in the European Community, OJ L80/02
- § 28:5 EP/Council Directive 08/94 on the protection of employees in the event of the insolvency of their employer (Codified version), L283/08
- § 28:6 EP/Council Directive 09/38 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (recast), OJ L122/09

CHAPTER 28A. NON-DISCRIMINATION

- § 28A:1 EP/Council Directive 06/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, OJ L204/06
- § 28A:2 EP/Council Directive 10/41 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613, OJ L180/10
- § 28A:3 EP/Council Directive 23/970 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms, OJ L132/23

CHAPTER 28B. OCCUPATIONAL HEALTH AND SAFETY

- § 28B:1 Regional Harmonization of Occupational Health Rules: The European Example
- § 28B:2 Council Directive 89/391 on the introduction of measures to encourage improvements in the safety and health of workers at work, OJ L183/89: Consolidation
- § 28B:3 Council Directive 91/383 supplementing the measures to encourage improvements in the safety and health at work of workers with a fixed-duration employment relationship or a temporary employment relationship, OJ L206/91: Consolidation
- § 28B:4 Council Directive 98/24 on the protection of the health and safety of workers from the risks related to chemical agents at work, OJ L 131/98
- § 28B:5 EP/Council Directive 00/54 on the protection of workers from risks related to exposure to biological agents at work (seventh individual directive within the meaning of Article 16(1) of Directive 89/391/EEC), OJ L262/00: Consolidation as at June 4, 2020
- § 28B:6 EP/Council Directive 03/88 concerning certain aspects of the organisation of working time, OJ L 299/03
- § 28B:7 EP/Council Directive 04/37 on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (Sixth individual Directive within the

TABLE OF CONTENTS

- meaning of Article 16(1) of Council Directive 89/391/EEC) (codified version), OJ L158/04: Consolidation as at January 31, 2019
- § 28B:8 EP/Council Directive 09/148 on the protection of workers from the risks related to exposure to asbestos at work, OJ L 330/09
- § 28B:9 Council Directive 13/59 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom, OJ L13/14
- § 28B:10 Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council concerning certain aspects of the organisation of working time, OJ C165/17
- § 28B:11 Commission Recommendation 22/2337 concerning the European schedule of occupational diseases, OJ L309/22.

CHAPTER 28C. SOCIAL SECURITY

- § 28C:1 EP/Council Regulation 883/04 on the coordination of social security systems, OJ L200/04: Consolidation as at December 19, 2013
- § 28C:2 EP/Council Regulation 987/09 laying down the procedure for implementing Regulation 883/04 on the coordination of social security systems, OJ L284/09 (*Annexes omitted*): Consolidation as at December 17, 2014

PART XIII. LAW OF INDIRECT TAXATION

CHAPTER 29. VALUE ADDED TAX (VAT)

- § 29:1 Council Directive 06/112 on the common system of value-added tax, OJ L347/06 (*Annexes XI and XII omitted*): Consolidation as at June 27, 2018
- § 29:2 Council Implementing Regulation 282/11 laying down implementing measures for Directive 2006/112/EC on the common system of value added tax, OJ L77/11: Consolidation as at October 26, 2013

Table of Contents

PART XIII. LAW OF INDIRECT TAXATION (CONTINUED)

CHAPTER 29A. EXCISE DUTIES

- § 29A:1 Council Directive 92/83 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages, OJ L316/92: Consolidation as at September 23, 2003
- § 29A:2 Council Directive 08/118 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC, OJ L9/09 (This Directive is replaced as of February 13, 2023 by Directive 20/262)
- § 29A:3 Council Directive 11/64 on the structure and rates of excise duty applied to manufactured tobacco, OJ L176/11
- § 29A:4 Council Directive 20/262 laying down the general arrangements for excise duty (recast), OJ L58/20

CHAPTER 29B. FISCAL ADMINISTRATION

- § 29B:1 Council Regulation 904/10 on administrative cooperation and combating fraud in the field of value added tax, OJ L268/10: Consolidation as at December 7, 2018
- § 29B:2 Council Directive 11/16 on administrative cooperation in the field of taxation, OJ L04/11) (Consolidation as at Jan. 1, 2023)
- § 29B:3 Commission Implementing Regulation 79/12 laying down detailed rules for implementing certain provisions of Council Regulation 904/10 concerning administrative cooperation and combating fraud in the field of value added tax, OJ L29/12
- § 29B:4 Council Regulation 389/12 on administrative cooperation in the field of excise duties and repealing Regulation 2073/04, OJ L 121/12
- § 29B:5 Council Directive 14/107 of 9 December 2014 Amending Directive 2011/16/EU As Regards Mandatory Automatic Exchange of Information in the Field of Taxation, OJ L 359/14
- § 29B:6 Council Directive (EU) 2016/1164 of 12 July 2016 laying down rules against tax avoidance practices that directly affect the functioning of the internal market, OJ L193/16
- § 29B:7 EP/Council Regulation 21/847 establishing the ‘Fiscalis’ programme for cooperation in the field of taxation and repealing Regulation (EU) No 1286/2013, OJ L188/21

CHAPTER 29C. OTHER INDIRECT TAXATION

§ 29C:1 Council Directive 08/7/EC of 12 February 2008 concerning indirect taxes on the raising of capital, OJ L46/08

PART XIV. LAW OF DIRECT TAXATION

CHAPTER 30. LAW OF DIRECT TAXATION

I. INCOME TAX

§ 30:1 Council Directive 77/799 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums, OJ L336/77: Consolidation

§ 30:2 Council Directive 17/1852 on tax dispute resolution mechanisms in the European Union, OJ L265/17

PART XV. FOREIGN TRADE LAW

CHAPTER 31. EXPORTING (FROM THE U.S.) INTO THE EUROPEAN UNION

I. INTRODUCTION

§ 31:1 Introduction

§ 31:2 Trade Relations between the U.S. and the EU

II. U.S. REQUIREMENTS FOR EXPORTS TO THE EU

A. U.S. EXPORT ADMINISTRATION REGIME

§ 31:3 Introduction

§ 31:4 Export licenses and exceptions

§ 31:5 Classification

§ 31:6 Destination

§ 31:7 Customer and end use

§ 31:8 Conduct

§ 31:9 License exceptions

B. PRACTICAL GUIDE

§ 31:10 Finding the ECCN

§ 31:11 Example classification

§ 31:12 Applying for export licenses

C. DOCUMENTATION AND OTHER EXPORT FORMALITIES

§ 31:13 Introduction

TABLE OF CONTENTS

- § 31:14 Shipper's export declaration
- § 31:15 Commercial invoice
- § 31:16 Export packing list
- § 31:17 Certificate of origin
- § 31:18 Bill of lading
- § 31:19 Destination control statement
- § 31:20 Certificate of insurance
- § 31:21 Pre-shipment inspection
- § 31:22 Consular invoices
- § 31:23 Conclusion

III. EU AND MEMBER STATE REQUIREMENTS FOR IMPORTS

A. INTRODUCTION

- § 31:24 Overview

B. COMMUNITY LEVEL REGULATION

- § 31:25 Policy and legal framework
- § 31:26 —Evolution of the Community Customs Code and Tarriff
- § 31:27 Practical guide
- § 31:28 —Classification and imposition of duties and other controls
- § 31:29 —Entry into free circulation (prior surveillance) (erga omnes)
- § 31:30 —Rules of origin
- § 31:31 —Regulation of standards

C. MEMBER STATE REGULATION

- § 31:32 Overview
- § 31:33 France
- § 31:34 French regulations beyond community standards
- § 31:35 Netherlands
- § 31:36 United Kingdom

IV. SPECIAL ASSISTANCE RESOURCES

- § 31:37 Overview

Appendix 31A. Checklist of federal laws for review

Appendix 31B. SED Form

Appendix 31C. Sample HTS entry

Appendix 31D. Table of member state import requirements

CHAPTER 32. GENERAL MEASURES

- § 32:1 Council Regulation 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, OJ L256/87: Consolidation (Annexes omitted)

- § 32:2 EP/Council Regulation 952/13 laying down the Union Customs Code, OJ L269/13: Consolidation as at January 1, 2020 (Annex omitted)
- § 32:3 Strategy for customs cooperation in the area of law enforcement and its contribution to the internal security of the EU, OJ C217

CHAPTER 32A. IMPORT MEASURES

- § 32A:1 Council Regulation 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas, OJ L66/94: Consolidation
- § 32A:2 Council Regulation 452/2003 on measures that the Community may take in relation to the combined effect of anti-dumping or anti-subsidy measures with safeguard measures, OJ L69/03
- § 32A:3 Council Regulation 625/09 of 7 July 2009 on common rules for imports from certain third countries (codified version), OJ L185/09
- § 32A:4 EP/Council Regulation 654/14 concerning the exercise of the Union's rights for the application and enforcement of international trade rules and amending Council Regulation (EC) No 3286/94 laying down Community procedures in the field of the common commercial policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization, OJ L189/14
- § 32A:5 EP/Council Regulation 15/478 on common rules for imports, OJ L83/15
- § 32A:6 Regulation 15/755 on common rules for imports from certain third countries, OJ L123/15
- § 32A:7 EP/Council Regulation 15/936 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules, OJ L160/15
- § 32A:8 EP/Council Regulation 15/1843 laying down Union procedures in the field of the common commercial policy in order to ensure the exercise of the Union's rights under international trade rules, in particular those established under the auspices of the World Trade Organization, OJ L272/15
- § 32A:9 EP/Council Regulation 16/1036 on protection against dumped imports from countries not members of the European Union, OJ L176/16: Consolidation as at June 7, 2018
- § 32A:10 EP/Council Regulation 16/1037 on protection against subsidised imports from countries not members of the European Union, OJ L176/16: Consolidation as at June 7, 2018

CHAPTER 32B. TARIFF MEASURES

- § 32B:1 Council Regulation 1186/09 of 16 November 2009 on

TABLE OF CONTENTS

- setting up a Community system of reliefs from customs duty (codified version), OJ L324/09
- § 32B:2 EP/Council Regulation 978/12 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008, OJ L303/12: Consolidation as at February 15, 2018
- § 32B:3 Commission Implementing Regulation 18/724 on certain commercial policy measures concerning certain products originating in the United States of America, OJ L122/18
- § 32B:4 Commission Implementing Regulation 18/886 on certain commercial policy measures concerning certain products originating in the United States of America and amending Implementing Regulation (EU) 2018/724, OJ L158/18

CHAPTER 32C. EXPORT RULES

- § 32C:1 EP/Council Regulation 15/479 on common rules for exports, OJ L83/15
- § 32C:2 Commission Implementing Regulation 21/442 making the exportation of certain products subject to the production of an export authorisation, OJ L84/21)

CHAPTER 32D. EXPORT CREDITS AND INSURANCE AND FOREIGN DIRECT INVESTMENT

- § 32D:1 Council Directive 98/29 of 7 May 1998 on harmonization of the main provisions concerning export credit insurance for transactions with medium and long-term cover, OJ L148/98
- § 32D:2 EP/Council Regulation 1233/11 on the application of certain guidelines in the field of officially supported export credits and repealing Council Decisions 2001/76/EC and 2001/77/EC, OJ L326/11: Consolidation as at February 2, 2018
- § 32D:3 Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ C392/12
- § 32D:4 Communication from the Commission amending the Annex to the Communication from the Commission to the Member States on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to short-term export-credit insurance, OJ L101I/20
- § 32D:5 EP/Council Regulation 19/452 establishing a framework for the screening of foreign direct investments into the Union, OJ L79I/19

CHAPTER 32E. INTERNATIONAL TRADE ASPECTS

- § 32E:1 Council Regulation 2271/96 protecting against the effects

of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, OJ L309/96: Consolidation as at August 7, 2018

- § 32E:2 Introductory Note to the Schedules of the European Union under the General Agreement on Trade in Services
- § 32E:3 General Agreement on Trade in Services: European Communities and their Member States: Final List of Article II (MFN) Exemptions of the European Union (1994)
- § 32E:4 Comprehensive Economic and Trade Agreement (Ceta) between Canada and the European Union, OJ L11/17

PART XVI. ANTI-TRUST LAW

CHAPTER 33. THE GENERAL ANTITRUST LAW OF THE EUROPEAN UNION

I. INTRODUCTION

- § 33:1 Raison d'être
- § 33:2 National v. Union law

II. OVERVIEW OF THE UNION ANTITRUST REGIME

- § 33:3 Overview

III. ANTI-COMPETITIVE PRACTICES AND ABUSE OF DOMINANT POSITION

A. ANTI-COMPETITIVE PRACTICES

- § 33:4 The prohibition on anti-competitive practices: Article 101(1) and (2)
- § 33:5 The individual exemptions from Article 101(1): Article 101(3)
- § 33:6 Block exemptions

B. ABUSE OF DOMINANT POSITION

- § 33:7 General provisions
- § 33:8 Examples of subjective abuse
- § 33:9 Examples of objective abuse
- § 33:10 Trade between member states

C. RELATIONSHIP OF ARTICLE 102 TO ARTICLE 101

- § 33:11 Overview

D. ENFORCEMENT OF ARTICLES 101 AND 102

- § 33:12 Introduction

TABLE OF CONTENTS

- § 33:13 Object and effect under Article 101(1)
- § 33:14 Enforcement by the Union
- § 33:15 Enforcement by Member States
- § 33:16 Cooperation between the Member States and the Union

IV. MERGERS AND OTHER CONCENTRATIONS

- § 33:17 Introduction
- § 33:18 Definition of a concentration
- § 33:19 Union dimension
- § 33:20 Incompatibility with the internal market
- § 33:21 Applicable law
- § 33:22 The enforcement of the Union rules
- § 33:23 Formalities

V. STATE AIDS

- § 33:24 Introduction
- § 33:25 The basic rule
- § 33:26 The Unconditional Exceptions to the Basic Rule
- § 33:27 The conditional exceptions to the basic rule
- § 33:28 Commission block exemptions
- § 33:29 Enforcement of State Aid Rules

VI. INTERNATIONAL DIMENSION

- § 33:30 Overview

CHAPTER 34. GENERAL RULES

- § 34:1 Communication from the Commission—Commission Notice on the definition of the relevant market for the purposes of Union competition law, C02-22-24
- § 34:2 Commission Recommendation 03/361 concerning the definition of micro, small and medium-sized enterprises, OJ L124/03
- § 34:3 Commission notice 2004/C 101/06 on informal guidance relating to novel questions concerning Articles 81 and 82 of the EC Treaty that arise in individual cases (guidance letters)

Table of Contents

PART XVI. ANTI-TRUST LAW (CONTINUED)

CHAPTER 34A. RESTRICTIVE PRACTICES (CARTELS): NOTICES AND GUIDELINES

- § 34A:1 Commission Notice concerning the assessment of cooperative joint ventures pursuant to Article 85 (now Article 101) of the EEC Treaty, OJ C43/93
- § 34A:2 Commission Notice—Guidelines on the effect on trade concept contained in Articles 81 and 82 (now Articles 101 and 102) of the Treaty, OJ C101/04
- § 34A:3 Communication from the Commission—Guidance on the Commissions enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings, OJ C45/09
- § 34A:4 Commission Notice—Guidelines on the application of Article 81 (now Article 101) of the EC Treaty to technology transfer agreements, OJ C101/04
- § 34A:5 Communication from the Commission—Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements, OJ C11/11
- § 34A:6 Notice on agreements of minor importance which do not appreciably restrict competition under Article 101(1) of the Treaty on the Functioning of the European Union (De Minimis Notice), OJ C291/14
- § 34A:7 Communication from the Commission Communication on the protection of confidential information by national courts in proceedings for the private enforcement of EU competition law, OJ C242/20
- § 34A:8 Guidelines on vertical restraints, OJ C359/21
- § 34A:9 Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements

CHAPTER 34B. RESTRICTIVE PRACTICES— EXEMPTIONS: LEGISLATION

- § 34B:1 Council Regulation 19/65 on application of Article 85(3) (now 101(3)) of the Treaty to certain categories of agreements and concerted practices, OJ L36/65: Consolidation
- § 34B:2 Council Regulation 2821/71 (Dec. 20, 1971) on application of Article 85(3) (now 101(3)) of the Treaty to categories of

- agreements, decisions and concerted practices, OJ L285/71: Consolidation
- § 34B:3 Commission guidelines on the application of Article 81(3) (now 101(3)) of the Treaty, OJ C101/04
- § 34B:4 Commission Regulation 330/10 (of April 20, 2010) on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices, OJ L102/10
- § 34B:5 *[Reserved]*

CHAPTER 34C. BLOCK EXEMPTIONS

- § 34C:1 Commission Regulation 316/14 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements, OJ L93/14

CHAPTER 34D. ENFORCEMENT OF ARTICLES 101 AND 102

- § 34D:1 Council Regulation 1/03 on the implementation of the rules on competition laid down in Articles 81 and 82 (now 101 and 102) of the Treaty, OJ L1/03: Consolidation
- § 34D:2 Commission Notice 2004/C 101/03 on cooperation within the Network of Competition Authorities
- § 34D:3 Commission Regulation 773/04 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 (now 101 and 102) of the EC Treaty, OJ L123/04: Consolidation as at February 21, 2013
- § 34D:4 Notice on informal guidance relating to novel questions concerning Articles 81 and 82 of the EC Treaty that arise in individual cases (guidance letters), OJ C101/04
- § 34D:5 Commission Notice on the co-operation between the Commission and the courts of the EU Member States in the application of Articles 81 and 82 (now 101 and 102), OJ C101/04
- § 34D:6 Guidelines on the method of setting fines imposed pursuant to Article 23(2)(a) of Regulation 1/03, OJ C210/02
- § 34D:7 Commission Notice on immunity from fines and reduction of fines in cartel cases, OJ C298/11
- § 34D:8 Communication from the Commission on quantifying harm in actions for damages based on breaches of Article 101 or 102 of the Treaty on the Functioning of the European Union, OJ C167/13
- § 34D:9 EP/Council Directive 14/104 of 26 November 2014 on Certain Rules Governing Actions for Damages Under National Law for Infringements of the Competition Law Provisions of the Member States and of the European Union, OJ L349/14
- § 34D:10 EP/Council Directive 19/1 to empower the competition authorities of the Member States to be more effective

TABLE OF CONTENTS

- enforcers and to ensure the proper functioning of the internal market, OJ L11/19
- § 34D:11 Communication from the Commission published pursuant to Article 27(4) of Council Regulation (EC) No 1/2003 in Case AT.40452—Apple—Mobile Payments, C01-19-24

CHAPTER 34E. MERGER CONTROL (CONCENTRATIONS): LEGISLATION, NOTICES AND GUIDELINES

- § 34E:1 Council Regulation (EC) 139/04 (of January 20, 2004) on the control of concentrations between undertakings (“EC Merger Regulation”), OJ L24/04 implemented by Regulation 802/04 (OJ L133/04)
- § 34E:2 Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C31/04
- § 34E:3 Commission Notice on restrictions directly related and necessary to concentrations, OJ C 56/05
- § 34E:4 Commission Consolidated Jurisdictional Notice under Council Regulation (EC) No. 139/04 on the control of concentrations between undertakings, OJ C95/08 (2008/C 95/01)

CHAPTER 34F. RULES ON STATE INTERVENTION—PUBLIC UNDERTAKINGS: LEGISLATION

- § 34F:1 Commission Regulation 802/04 implementing Council Regulation 139/04 on the control of concentrations between undertakings, OJ L133/04: Consolidation as of December 5, 2013.
- § 34F:2 Commission notice on remedies acceptable under Council Regulation (EC) No. 139/04 and under Commission Regulation (EC) No. 802/04, C267/08 at p. 1
- § 34F:3 Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No. 139/2004, OJ C366/13
- § 34F:4 Commission Notice on a simplified treatment for certain concentrations under Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings, OJ C160.23

CHAPTER 34G. RULES ON STATE AIDS: LEGISLATION

- § 34G:1 Guidelines on State Aid to Maritime Transport, OJ C13/04
- § 34G:2 Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantee, OJ C155/08

- § 34G:3 Community guidelines on State aid for railway undertakings, OJ C184/08
- § 34G:4 Commission Decision 12/21 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L7/12
- § 34G:5 Communication from the Commission on the application of the European Union State aid rules to compensation granted for the provision of services of general economic interest, OJ C8/12
- § 34G:6 Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis ('Banking Communication'), OJ C216/13
- § 34G:7 Guidelines on regional State aid for 2014-2020, OJ C209/13
- § 34G:8 Guidelines on State aid to promote risk finance investments, OJ C19/14
- § 34G:9 Communication from the Commission: Guidelines on State aid for environmental protection and energy 2014-2020, OJ C200/14
- § 34G:10 Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty, OJ C249/14
- § 34G:11 Community Framework for State aid for research and development and innovation, OJ C198/14
- § 34G:12 Guidelines on State aid to airports and airlines, OJ C198/14: Consolidated as of June 27, 2014
- § 34G:13 Commission Notice on the notice of State aid as referred to in Article 107(1) of the Treaty on the Functioning of the European Union, C262/16
- § 34G:14 Guidelines on regional State aid, OJ C153/21

CHAPTER 34H. STATE AIDS—BLOCK EXEMPTIONS

- § 34H:1 Commission Regulation 651/14 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty, OJ L187/14: Consolidation as at August 1, 2021
- § 34H:2 Council Regulation 15/1588 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid, OJ L248/15
- § 34H:3 Commission Regulation 23/1066 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements, OJ L143/23
- § 34H:4 Commission Regulation 23/1067 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements, OJ L143/23

TABLE OF CONTENTS

- § 34H:5 Commission Regulation 23/2831 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid, OJ L. 15/12/23
- § 34H:6 Commission Regulation 23/2832 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L15/12/23

CHAPTER 34I. ENFORCEMENT OF STATE AID RULES

- § 34I:1 Commission Notice on the enforcement of State aid law by national courts, OJ C85/09
- § 34I:2 Notice from the Commission on a simplified procedure for treatment of certain types of State Aid, OJ C136/09
- § 34I:3 Council Regulation 15/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union, OJ L248/15
- § 34I:4 Code of Best Practices for the conduct of State aid control procedures, OJ C253/18

CHAPTER 34J. INTERNATIONAL ASPECTS: AGREEMENTS, REGULATIONS AND BEST PRACTICES

- § 34J:1 Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws (1991 Agreement), OJ L95/95 (as corrected by OJ L131/95 at p. 38)
- § 34J:2 Agreement between the European Communities and the Government of the United States of America on the application of positive comity principles in the enforcement of their competition laws (1998), OJ L173/98
- § 34J:3 EP/Council Regulation 22/2560 on foreign subsidies distorting the internal market, OJ L330/22

PART XVII. CONSUMER PROTECTION AND PUBLIC HEALTH & SAFETY

CHAPTER 35. THE LEGAL REGIME FOR DANGEROUS PRODUCTS AND SUBSTANCES IN THE EUROPEAN UNION

- § 35:1 Introduction
- § 35:2 Pesticides
- § 35:3 Biocides
- § 35:4 Biotechnical products
- § 35:5 Major chemical facilities

§ 35:6 Future legislation will bring change in this sector

CHAPTER 36. PUBLIC HEALTH AND SAFETY

- § 36:1 Council Directive 85/374 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products, OJ L210/85 (Directive is repealed as from December 13, 2024).
- § 36:2 EP/Council Directive 01/95 on General Product Safety, OJ L11/02: Consolidation as of June 18, 2009 (Directive is repealed as from December 13, 2024).
- § 36:3 EP/Council Directive 09/48 on the safety of toys, OJ L170/09: Consolidation as at May 25, 2021
- § 36:4 EP/Council Regulation 23/988 on general product safety, amending Regulation (EU) No 1025/2012 of the European Parliament and of the Council and Directive (EU) 2020/1828 of the European Parliament and the Council, and repealing Directive 2001/95/EC of the European Parliament and of the Council and Council Directive 87/357/EEC, OJ L135/23

Table of Contents

PART XVII. CONSUMER PROTECTION AND PUBLIC HEALTH & SAFETY (CONTINUED)

CHAPTER 36A. DANGEROUS PRODUCTS AND SUBSTANCES

- § 36A:1 EP/Council Directive 01/18 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220, OJ L106/01: Consolidation as at March 29, 2018
- § 36A:2 EP/Council Regulation 1907/06 concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, OJ L396/06 (Annexes II to XVII omitted): Consolidation as at February 15, 2021
- § 36A:3 EP/Council Regulation 1272/08 On Classification, Labelling and Packaging of Substances and Mixtures, Amending and Repealing Directives 67/548/EEC and 1999/45/EC, And Amending Regulation (EC) No 1907/2006, OJ L353/08 (Consolidation as at July 31, 2023)
- § 36A:4 EP/Council Directive 09/41/EC of 6 May 2009 on the contained use of genetically modified microorganisms (recast), OJ L125/09
- § 36A:5 EP/Council Directive 14/40 of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC, OJ L127/14

CHAPTER 36B. CONSUMER PROTECTION

- § 36B:1 Consumer Protection in the European Union: An Overview of the Legislation
- § 36B:2 Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L95/93
- § 36B:3 EP/Council Directive 98/6/EC of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers, OJ L80/98

- § 36B:4 EP/Council Directive 02/65 concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC, OJ L271/02: Consolidation as at January 13, 2018 (This directive is repealed as of June 19, 2026)
- § 36B:5 EP/Council Directive 05/29/EC of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Directives 84/450/EEC, 97/7/EC, 98/27/EC and 02/65/EC and Regulation (EC) 2006/2004 (“Unfair Commercial Practices Directive”), OJ L149/05
- § 36B:6 EP/Council Directive 06/114 of 12 December 2006 concerning misleading and comparative advertising (codified version), OJ L376/06
- § 36B:7 EP/Council Directive 09/22 on injunctions for the protection of consumers’ interests (Codified version), OJ L110/09: Consolidation as at December 3, 2018 (This directive is repealed as of Nov. 20, 2026)
- § 36B:8 EP/Council Directive 08/48 on credit agreements for consumers and repealing Council Directive 87/102/EEC, OJ L133/08; Consolidation as at July 26, 2019
- § 36B:9 EP/Council Directive 11/83/EU on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council, OJ L304/11: Consolidation as at July 1, 2018 amended by Directive 19/2161 (OJ L328/19)
- § 36B:10 EP/Council Regulation 1169/11 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004, OJ L304/11: Consolidation as at January 1, 2018
- § 36B:11 EP/Council Directive 15/2302 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC, OJ L326/15
- § 36B:12 EP/Council Directive 19/770 on certain aspects concerning contracts for the supply of digital content and digital service, OJ L136/19
- § 36B:13 EP/Council Directive 19/771 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC, OJ L136/19 (*This Directive enters into effect on January 1, 2020*)
- § 36B:14 EP/Council Directive 20/1828 on representative actions

TABLE OF CONTENTS

- for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, OJ L409/20)
- § 36B:15 Regulation (EU) 2022/1925 of The European Parliament And Of The Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act)
- § 36B:16 EP/Council Directive 23/2225 on credit agreements for consumers and repealing Directive 2008/48/EC (OJ L. 30-10-23)

CHAPTER 36C. INFORMATION & EDUCATION OF CONSUMERS: LEGISLATION

- § 36C:1 Council Directive 90/496/EEC of 24 September 1990 on nutrition labeling for foodstuffs, OJ L276/90
- § 36C:2 EP/Council Regulation 1924/06 on Nutrition and Health Claims Made on Foods, OJ L12/07: Consolidation as at November 8, 2012
- § 36C:3 EP/Council Directive 10/30 of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products, OJ L153/10
- § 36C:4 EP/Council Regulation 1169/11 of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004
- § 36C:5 EP/Council Regulation 17/1369 setting a framework for energy labelling and repealing Directive 2010/30/EU, OJ L198/17

PART XVIII. COMMERCIAL LAW

CHAPTER 37. JUDICIAL PROCEEDINGS

- § 37:1 EP/Council Regulation 1215/12 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, OJ L351/12: Consolidation (January 16, 2015)
- § 37:2 EP/Council Regulation 655/14 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters, OJ L189/14
- § 37:3 EP/Council Regulation 15/848 on insolvency proceedings, OJ L141/15
- § 37:4 EP/Council Regulation 606/13 on mutual recognition of protection measures in civil matters, OJ L181/13

CHAPTER 37A. APPLICABLE LAW

- § 37A:1 EP/Council Regulation 864/07 of 11 July 2007 on the law applicable to non-contractual obligations (Rome II), OJ L199/07
- § 37A:2 EP/Council Regulation 593/08 on the law applicable to contractual obligations (Rome I), OJ L177/08

CHAPTER 37B. COMMERCIAL TRANSACTIONS (INCLUDING ELECTRONIC COMMERCE)

- § 37B:1 Council Directive 86/653 on the coordination of laws of the Member States relating to self-employed commercial agents, OJ L382/86
- § 37B:2 EP/Council Directive 00/31 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ("Directive on Electronic Commerce"), OJ L178/00

PART XIX. ENVIRONMENTAL LAW

CHAPTER 38. ENVIRONMENTAL REGULATION IN THE EUROPEAN UNION

I. INTRODUCTION

- § 38:1 Introduction

II. EUROPEAN UNION ENVIRONMENTAL POLICY AND PRACTICE

- § 38:2 Post-Amsterdam environmental policy
- § 38:3 Treaty bases for community competences
- § 38:4 Forms of policy making and regulation

III. SPECIFIC AREAS OF COMMUNITY ENVIRONMENTAL REGULATION

- § 38:5 Overview
- § 38:6 Chemicals/Dangerous substances
- § 38:7 Waste management
- § 38:8 Water regulation
- § 38:9 Air pollution
- § 38:10 Climate change
- § 38:11 Land use management

CHAPTER 39. MISCELLANEOUS MATTERS

- § 39:1 EP/Council Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage, L143/04

TABLE OF CONTENTS

- § 39:2 EP/Council Directive 08/1/EC of 15 January 2008 concerning integrated pollution prevention and control (codified version), OJ L24/08
- § 39:3 Commission notice on access to justice in environmental matters

CHAPTER 39A. ATMOSPHERIC POLLUTION

- § 39A:1 EP/Council Directive 03/87 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC, OJ L275/03: Consolidation as at December 29, 2017
- § 39A:2 EP/Council Directive 01/80 on the limitation of emissions of certain pollutants into the air from large combustion plants, OJ L309/01
- § 39A:3 EP/Council Directive 08/50 on ambient air quality and cleaner air for Europe, OJ L152/08 (Annex XVII omitted): Consolidation as at August 28, 2015
- § 39A:4 EP/Council Directive 10/75/EU of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (recast), OJ L334/10
- § 39A:5 EP/Council Directive 15/2193 on the limitation of emissions of certain pollutants into the air from medium combustion plants, OJ L313/15
- § 39A:6 EP/Council Regulation 19/631 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles, and repealing Regulations (EC) No 443/2009 and (EU) No 510/2011, OJ L111/19 (*This Regulation applies as from January 1, 2020*)
- § 39A:7 EP/Council Regulation 24/590 on substances that deplete the ozone layer, and repealing Regulation (EC) No 1005/2009, L02-20-24

CHAPTER 39B. NOISE POLLUTION

- § 39B:1 EP/Council Directive 02/49 relating to the assessment and management of environmental noise, OJ L189/02

CHAPTER 39C. WATER POLLUTION

- § 39C:1 EP/Council Directive 08/105 of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 00/60/EEC, OJ L348/08

CHAPTER 39D. WASTE MANAGEMENT

- § 39D:1 EP/Council Directive 94/62 on packaging and packaging waster, OJ L365/94: Consolidated as of March 13, 2009
- § 39D:2 EP/Council Directive 00/76 on the incineration of waste, OJ L332/00
- § 39D:3 EP/Council Regulation 1013/06 on shipments of waste, OJ L190/06: Consolidation as at March 20, 2013

- § 39D:4 EP/Council Directive 08/98 of 19 November 2008 on waste and repealing certain Directives, OJ L312/08
- § 39D:5 Guidelines for customs controls on transboundary shipments of waste, OJ C157/15

PART XX. INDUSTRIAL LAW

CHAPTER 40. FREE MOVEMENT OF GOODS

- § 40:1 Council Regulation 2679/98 on the functioning of the internal market in relation to the free movement of goods among Member States, OJ L337/98
- § 40:2 Council Regulation 2679/98 on the functioning of the internal market in relation to the free movement of goods among Member States, OJ L304/08
- § 40:3 Commission interpretative communication on facilitating the access of products to the markets of other Member States: the practical application of mutual recognition, OJ C265/04
- § 40:4 EP/Council Regulation 19/515 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No 764/2008, OJ L91/19
- § 40:5 Commission Notice Guidance document for the application of Regulation 19/515 of the European Parliament and of the Council on the mutual recognition of goods lawfully marketed in another Member State, OJ C100/21
- § 40:6 Commission Notice Guide on Articles 34-36 of the Treaty on the Functioning of the European Union (TFEU) (Free movement of goods), OJ C100/21

Table of Contents

PART XX. INDUSTRIAL LAW (CONTINUED)

CHAPTER 40A. CONFORMITY ASSESSMENT

- § 40A:1 Council Decision 80/45/EEC of 15 January 1980 laying down provisions on the introduction and implementation of technical regulations and standards, OJ L14/80
- § 40A:2 Commission Decision 94/23/EC of 17 January 1994 on common procedural rules for European technical approval, OJ L17/94
- § 40A:3 EP/Council Regulation 765/08 of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) 339/93, OJ L218/08
- § 40A:4 EP/Council Decision 768/08 of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC, OJ L218/08
- § 40A:5 EP/Council Regulation 1025/12 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council, OJ L316/12: Consolidation as at November 7, 2015
- § 40A:6 Commission Notice Guidelines for economic operators and market surveillance authorities on the practical implementation of Article 4 of Regulation 19/1020 on market surveillance and compliance of products, OJ C100/21

CHAPTER 40B. VEHICLES

- § 40B:1 EP/Council Directive 07/46 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), OJ L236/07: Consolidation as at December 29, 2017 (replaced on September 1, 2020 by Regulation 18/858)
- § 40B:2 Commission Regulation 461/10 (of May 27, 2010) on the application of Article 101(3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices in the motor vehicle sector, OJ L129/10

- § 40B:3 Council Regulation 167/13 on the approval and market surveillance of agricultural and forestry vehicles, OJ L60/13: Consolidation as at June 6, 2018
- § 40B:4 EP/Council Regulation 168/13 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, OJ L60/13
- § 40B:5 EP/Council Regulation 18/858 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, OJ L151/18 (Consolidation as at May 28, 2024)
- § 40B:6 Commission Implementing Regulation 20/683 implementing Regulation (EU) 2018/858 of the European Parliament and of the Council with regards to the administrative requirements for the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, OJ L163/20 (*Annexes II to VIII omitted*)
- § 40B:7 EP/Council Regulation 19/2144 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166, OJ L325/19, OJ L325/19

CHAPTER 40C. METROLOGY

- § 40C:1 EP/Council Directive 14/32 of 26 February 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast), OJ L96/14 (*Annexes II to XV omitted*) (this Directive replaces Directive 04/22 as of April 20, 2016)

CHAPTER 40D. ELECTRICAL MATERIALS AND MACHINERY

- § 40D:1 Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC, OJ L157/06 (Consolidation as at July 26, 2019)

TABLE OF CONTENTS

- § 40D:2 EP/Council Regulation 23/1230 on machinery and repealing Directive 2006/42/EC and Council Directive 73/361, OJ L165/23 (This regulation enters into force on January 14, 2007)
- § 40D:3 Commission Implementing Decision 23/1586 on harmonised standards for machinery drafted in support of Directive 2006/42/EC of the European Parliament and of the Council, OJ L194/23.

CHAPTER 40E. MEDICAL PRODUCTS

- § 40E:1 EP/Council Directive 01/83 on the Community code relating to medicinal products for human use, OJ L159/03: Consolidation as at November 16, 2012
- § 40E:2 Commission Directive 03/63 amending Directive 2001/83/EC of the European Parliament and of the Council on the Community code relating to medicinal products for human use, OJ L 159/03
- § 40E:3 EP/Council Regulation 726/04 of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency, OJ L136/04
- § 40E:4 Commission Directive 05/28 of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorization of the manufacturing or importation of such products, OJ L91/05
- § 40E:5 EP/Council Regulation 536/14 of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC, OJ L158/14
- § 40E:6 EP/Council Regulation 17/745 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC, OJ L117/17 (Annexes omitted) (This Regulation enters into force on May 26, 2020)
- § 40E:7 EP/Council Regulation 17/746 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227, OJ L117/17 (Annexes omitted) (This Regulation enters into force on May 26, 2020)

CHAPTER 40F. FOODSTUFFS

- § 40F:1 EP/Council Regulation 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, OJ L31/02 (Consolidation as at July 1, 2024)
- § 40F:2 EP/Council Regulation 1829/03 on genetically modified food and feed, OJ L28/03: Consolidation as at September 6, 2019

- § 40F:3 EP/Council Regulation 396/05 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC, OJ L70/05 (*Annexes omitted*) (consolidation Feb. 26, 2024)
- § 40F:4 EP/Council Regulation 1925/06 on the addition of vitamins and minerals and of certain other substances to foods, OJ L404/06: Consolidation as of November 15, 2011
- § 40F:5 EP/Council Regulation 1333/08 on food additives, OJ L354/08 (*Annexes omitted except for Annex I and Annex II, Part A*): Consolidation as at March 19, 2020

Table of Contents

PART XX. INDUSTRIAL LAW (CONTINUED)

CHAPTER 40F. FOODSTUFFS (CONTINUED)

- § 40F:6 EP/Council Regulation 1334/08 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13, OJ L354/08 (Consolidation Feb. 5, 2024)
- § 40F:7 EP/Council Directive 09/39 of 6 May 2009 on foodstuffs intended for particular nutritional uses (recast), OJ L124/09
- § 40F:8 EP/Council Regulation 609/13 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009, OJ L181/13 (Consolidation as at April 28, 2021)
- § 40F:9 EP/Council Regulation 18/848 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007, OJ L150/18 (Consolidation as at January 1, 2022)

CHAPTER 40G. CONSTRUCTION PRODUCTS

- § 40G:1 EP/Council Regulation 305/11 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106, OJ L88/11: Consolidation as of June 16, 2014

CHAPTER 40H. OTHER PRODUCTS

- § 40H:1 EP/Council Regulation 648/04 of 31 March 2004 on detergents, OJ L104/04
- § 40H:2 EP/Council Regulation 1223/09 on cosmetic products (recast), OJ L342/09 (Consolidation as at Apr. 4, 2024) (Annex 1 is only reproduced)
- § 40H:3 EP/Council Regulation 16/425 personal protective equipment and repealing Council Directive 89/686/EEC, OJ L 81/16 (enters into force on April 21, 2018)

PART XXI. ENERGY

CHAPTER 41. ELECTRICITY

- § 41:1 EP/Council Directive 09/72 of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 03/45, OJ L211/09
- § 41:2 EP/Council Regulation 19/943 on the internal market for electricity, OJ L158/19

CHAPTER 41A. OIL AND GAS

- § 41A:1 EP/Council Directive 09/73 of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 03/55, OJ L211/09
- § 41A:2 EP/Council Regulation 715/09 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (July 13, 2009), OJ L211/09

CHAPTER 41B. NUCLEAR ENERGY

- § 41B:1 Commission Regulation 302/05 on the application of Euratom safeguards, OJ L54/05, OJ L54/05

CHAPTER 41C. ENERGY CONSERVATION AND RENEWABLE ENERGY

- § 41C:1 EP/Council Directive 09/33/EEC of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles, OJ L120/09
- § 41C:2 EP/Council Directive 10/31 on the energy performance of buildings, OJ L153/10, supplemented by Regulation 244/12 (OJ L81/12)
- § 41C:3 EP/Council Directive 12/27 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC, OJ L315/12
- § 41C:4 EP/Council Regulation 23/1804 on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU OJ L234/23

CHAPTER 41D. GENERAL MATTERS

- § 41D:1 EP/Council Regulation 1227/11 on wholesale energy market integrity and transparency OJ L326/11

PART XXII. AGRICULTURE

CHAPTER 42. AGRICULTURE

- § 42:1 EP/Council Regulation 1307/13 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and

TABLE OF CONTENTS

- Council Regulation (EC) No 73/2009: Consolidation as at June 24, 2021 (This Regulation is repealed as of January 1, 2023)
- § 42:2 EP/Council Regulation 1308/13 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, OJ L347/13: Consolidation as at January 1, 2018
- § 42:3 EP/Council Regulation 21/2115 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013, OJ L435/21 (Annexes omitted)
- § 42:4 EP/Council Regulation 21/2116 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013, OJ L435/21

XXIII. JUDICIAL

CHAPTER 43. JUDICIAL MATTERS

- § 43:1 EP/Council Regulation 20/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence), OJ L405/20 (comes into force July 1, 2022; replacing Reg. 2016/01)
- § 43:2 EP/Council Regulation 20/1784 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast), OJ L405/20 (comes into force July 1, 2022; replacing Reg. 1393/07)

APPENDICES

- Appendix A. List of important instruments not reproduced in the set
- Appendix B. Finding List