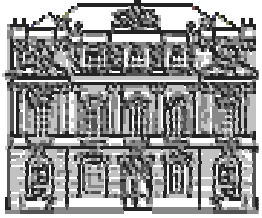


# Seminar on EC case-law

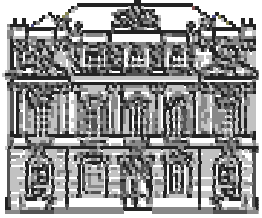
**Bedanna Bapuly**

Brno, 2007 October 22



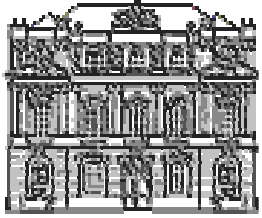
# EC case-law

- effects of EC law
- EC law – domestic law – international law
- general principles of EC law
- protection of fundamental rights & freedoms
- interpretation of policy fields



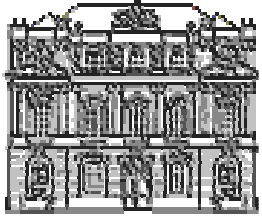
# Milchkontor

- *What procedure is at stake?*
- *Who enforces secondary EC law?*
- *Which legal order governs the direct enforcement of EC law?*
- Which Communitarian rules are to be considered?
- Can other principles of European Administrative Law develop?
- Which legal order governs the recovery of illegal aid?



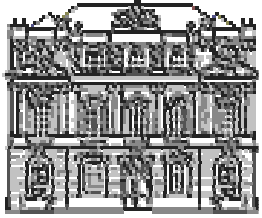
# Milchkontor

- *Which Communitarian principles are relevant?*
- What to take into consideration if there is discretion?
- Is the preclusive time limit of § 48 VwVfG compatible with European principles?
- Are legal expectations protected under EC law?
- Which principles are to be respected when applying provisions such as § 48?



# Zuckerfabrik

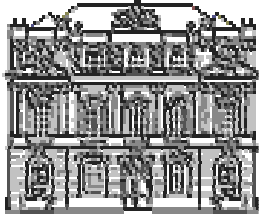
- What is the relation between validity of a Regulation and the legal protection of individuals?
- Which court decides on the invalidity of a Regulation?
- What is the purpose of art 234 EC?



# Zuckerfabrik

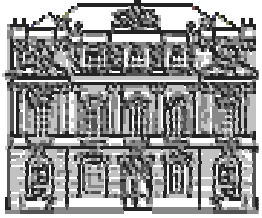
- May a domestic court grant interim relief and suspend the application of an act based on a Regulation?
- Under what conditions may a national court grant interim relief?
- What is the consequence of the principle of a uniform interpretation of EC law?





# Zuckerfabrik

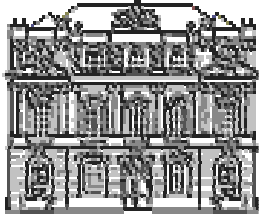
- How to secure the uniform application of interim relief by national courts?
- Under what conditions may a suspension be granted?
- What does the national court have to consider when deciding on a suspension?



# Peterbroeck

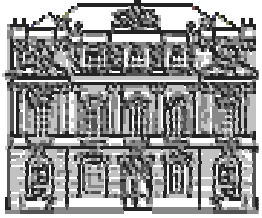
- What is the principle of loyal cooperation?
- The interrelation of supranational and national provisions?
- What does the MS's legal system lay down?
- How must procedural rules be designed?





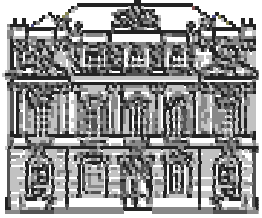
# Peterbroeck

- What must the national courts ensure?
- Is it justifiable to deny to national courts the possibility to raise EC law on their own motion?
- What is the freedom of establishment?



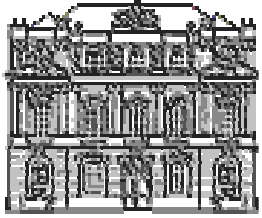
# Alcan

- What is a state aid?
- Who is competent to decide on the legality of state aids?
- What governs the recovery of illegal state aid?
- What requirements do procedural rules have to fulfil?



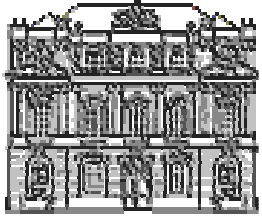
# Alcan

- What is the role of national authorities?
- When does the national authority have to order recovery of illegal aids?
- What if national law excludes recovery?



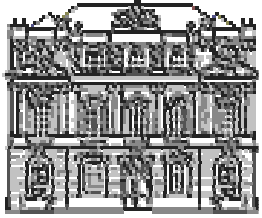
# Lucchini

- What does *res iudicata* mean?
- When does the ECJ not decide under art 234 EC?
- Do national courts decide on the compatibility of aid?
- Could Lucchini challenge the Decision of the COM?



# Lucchini

- What is the task of the domestic court?
- What happens to conflicting domestic law?
- Who interpretes art 87, 88 EC?
- Does the Decision of the COM or the national judgment prevail?



# 5.11.2007

- 29/69 Stauder
- 44/79 Hauer
- C-285/98 Tanja Kreil
- 14/83, Von Colson,
- C-450/93 Kalanke
- C-122/96 Saldanha
- C-370/90 Singh