Judgment of the European Court of Justice in the case of van Gend&Loos of 5 February 1963, C 26/62 (excerpts):

Case details:

The firm van Gend&Loos imported into the Netherlands - from the Federal Republic of Germany – a certain quantity of ureaformaldehyde. The Dutch customs administration changed the designation of the good in question, thereby raising the rate of customs duty in force. In the opinion of plaintiffs, the introduction of an elevated charge represented a breach of Article 12 of the ECC Treaty (today’s Art. 25 of the TEC). In accordance with the provision contained therein, Member States are to “refrain from introducing between themselves any new customs duties on imports or exports or any charges having equivalent effect, and from increasing those which they already apply in their trade with each other”. The Dutch court considering the claim held that the dispute hinged upon the interpretation of the EEC Treaty, and thus referred the case of the European Court of Justice with a request that it make a preliminary ruling in the matter.

Justification:

(…)

8. “The first question of the Tariefcommissie is whether Article 12 [25] of the TEC has direct application in national law in the sense that nationals of Member States may on the basis of this Article lay claim to rights which the national court must protect”.

9. “To ascertain the provisions of an international treaty extend so far in their effects, it is necessary to consider the spirit, the general scheme and the wording of those provisions.”

10. “ The objective of the EEC Treaty, which is to establish a Common Market, the functioning of which is of direct concern to the interested parties in the Community, implies that this Treaty is more than an agreement which merely creates mutual obligations between the Contracting States. This view is confirmed by the preamble to the Treaty which refers not only to Governments but to peoples. It is also confirmed more specifically by the establishment of the institutions endowed with sovereign rights, the exercise of which affects Member States and also their citizens. Furthermore, it must be noted that the nationals of the States brought together in the Community are called upon to cooperate in the functioning of this Community through the intermediary of the European Parliament and the Economic and Social Committee.”

11. “The task assigned to the Court of Justice under Article 177[now 234], the object of which is to secure uniform interpretation of the Treaty by national courts and tribunals, confirms that the States have acknowledged that Community law has an authority which can be invoked by their nationals before those courts and tribunals. The conclusion to be drawn from this is that the European Economic Community constitutes a new legal order of international law for the benefit of which comprise not only the Member States but also their nationals. Independently of the legislation of Member States, Community law not only imposes obligations on individuals but is also intended to confer upon them rights which become part of their legal heritage. These rights arise not only where they are expressly granted by the Treaty but also
by reason of obligations which the Treaty imposes in a clearly defined way upon individuals as well as upon the Member States and upon the institutions of the Community.”

13. “The wording of Article 12 contains a clear and unconditional prohibition which is not a positive but a negative obligation. This obligation, moreover, is not qualified by any reservation on the part of States which would make its implementation conditional upon a positive legislative measure enacted under national law. The very nature of this prohibition makes it ideally adapted to produce direct effects in the legal relationship between Member States and their subjects.”

14. “The implementation of Article 12 [now 25] does not require an legislative intervention on the part of the States. The fact that under this Article it is the Member States who are made the subject of the negative obligation does not imply that their nationals cannot benefit from this obligation”
4.3.3. Verb forms. In line with the context and sense, complete the following sentences using appropriate forms of the verbs:

- to achieve
- to assert
- to assure
- to combat
- to create
- to establish
- to maintain
- to promote
- to strengthen

a) The EU …………………… a high level of employment.

b) The Community …………………balanced development by …………………an area without internal borders.

c) Thanks to the introduction of EU citizenship, there should be …………………protection of the rights of the natural persons.

d) The Union sets itself the objective of …………………the free movement of persons.

e) The *acquis communautaire* must be …………………, as well as being developed further.

f) Notwithstanding the entry into force of the Maastricht Treaty, economic and monetary union was not yet finally ………………….

g) By way of appropriate measures, crime should be …………………more effectively.

h) The Union is striving …………………its identity internationally.

4.3.4. Synonyms of legal-formal phrases. Match these terms (mainly from the Introductory Text) with their meanings.

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>to enter into force</td>
<td>i) to demand that something should happen</td>
</tr>
<tr>
<td>to be enshrined in something</td>
<td>ii) to become effective</td>
</tr>
<tr>
<td>to amend something</td>
<td>iii) to stop something from progressing until a decision is made about it</td>
</tr>
<tr>
<td>to lay down procedures</td>
<td>iv) to be protected (by a constitution/law)</td>
</tr>
<tr>
<td>to stipulate something</td>
<td>v) to affect something, be relevant to something</td>
</tr>
<tr>
<td>to prevail over something</td>
<td>vi) to become more important than something</td>
</tr>
<tr>
<td>to have bearing on something</td>
<td>vii) to make changes in law</td>
</tr>
<tr>
<td>to suspend something</td>
<td>viii) to state officially the way of doing sth</td>
</tr>
<tr>
<td>to call for something</td>
<td>ix) to clearly specify conditions</td>
</tr>
</tbody>
</table>

4.3.5. Synonyms of structural elements in formal-legal text. Match the phrases below (mainly from the Introductory Text) with their meanings.

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>to be consistent with</td>
<td>a) to be consistent with</td>
</tr>
<tr>
<td>from the outset</td>
<td>b) from the outset</td>
</tr>
<tr>
<td>to correspond to/with</td>
<td>c) to correspond to/with</td>
</tr>
<tr>
<td>in other words</td>
<td>d) in other words</td>
</tr>
<tr>
<td>in particular</td>
<td>e) in particular</td>
</tr>
<tr>
<td>contrary to</td>
<td>f) contrary to</td>
</tr>
</tbody>
</table>
4.5.1. Confusing words

a) to fund (funded, funded) – to give money to something
    to find (found, found) – to look for something and be successful, to discover
    to found (founded, founded) – to establish or set up an institution, a foundation

Now fill in each gap with an appropriate word in the right grammatical form:

1. “The Union shall be ………………..on the European Communities”
2. Oil was …………………in the North Sea.
3. The department was …………………..after sweeping reforms.
4. Our project is partly ……………….by the ERDF.

In the case study we read: “This argument is unfounded” which means it was not supported by facts. Does “unfounded” come from “find” or “found”?

b) efficient – working quickly and without making mistakes, competent
    effective – producing the desired effect or result or operating/ functioning

Now write an appropriate word into each gap:

1. I have a very ………………….personal secretary.
2. The measures taken by the Ministry of Finance have proved to be ………………….
3. The campaign has been …………………. – the number of pro-Europe citizens has increased dramatically.
4. The agreement will be ………………..from January next year.
5. My department is very …….. - we have dealt successfully with all the enquiries.
6. The new system of voting becomes ……………………today.

c) economic – relating to be economy (a thing), or economics (gospodarczy)
    economical – relating to economy (an activity, not a thing – so no article), i.e. to the saving of time, money or effort, (oszczędny, oszczędnościowy)

Now write an appropriate word into each gap:

1. …………………………………situation/ policy/ climate/ union
2. an ………………………………….. car
3. an …………………………………. method of heating a house
4. …………………………………… crisis/ growth/ development/ miracle
5. travelling by car is more …………………..than by train
6. …………………………………with the truth (basically it means that somebody is lying!)

d) accession – act of coming to a high position, formal agreement of a country to an international treaty
    access – entrance, way in

Now write an appropriate word into each gap:

1. The Queen’s …………………to the throne.
2. I don’t have ………………..to confidential information.
3. Poland’s …………………….to the European Union.
4. …………………….to the building is from the north side.
5. an ex-husband’s right of …………………….to the children.

e) **to affect** – to have some impact on something, to influence
**to effect** – to cause or produce something, to bring about a result, to make something happen

Now write an appropriate word into each gap:

1. The government has finally …………………..the rehabilitation process.
2. This decision will …………………..all sectors of our economy.
3. Their attitude will ……………………..our future success.
4. Economic growth can only be ……………………..through strict measures.
5. The burglars ……………………..their entry through a second-floor window.
6. NGOs were accused of failing to ……………………..”regime change” in the country.

f) **raise** (raised, raised) – to move upward or lift something actively (by our agency)
**rise** (rose, risen) – to go up or increase (passively, by itself)
**arise** (arose, arisen) – come into being or existence

Now write an appropriate word into each gap:

1. Workers demanded a pay ……………..(unfortunately in American and Canadian English it is “a pay raise”)
2. Prices/taxes/salaries/inflation/unemployment is/are ………………..
3. should the occasion ……………………..
4. the government/the management/the Ministry of Finance have ……………………..
5. Can I ……………………..a question?
6. when the opportunity ……………………..
7. Are there any issues ……………………..from the last meeting?
8. should the need ……………………..(=if there is need)
9. The government shouldn’t ……………………..people’s expectations too much

4.5.2 **False Friends of Language**

1. The Polish word “hymn” is an …………………..whereas the English word *hymn* means a religious song.
2. The English word “occasion” is a special day, whereas the Polish word *okazja* is an ……………………..
3. The English word “actually” means “in fact, really”, whereas the Polish word *aktualnie* is ……………………..

*Translate the following phrases:*
1. aktualna propozycja naszego rządu
2. chciałbym pogratulować Panu z okazji…
3. Polski hymn narodowy
4. tak naprawdę, minister ma na imię John, nie Jack
5. to wspaniała okazja, żeby nauczyć się nowych rzeczy