

Source Text 2

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 EEC 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 Communitybalanced development byan area without internal borders.
- c) Thanks to the introduction of EU citizenship, there should beprotection of the rights of the natural persons.
- d) The Union sets itself the objective ofthe 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 bemore effectively.
- h) The Union is strivingits identity internationally.

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

- a) to enter into force
 - b) to be enshrined in something
 - c) to amend something
 - d) to lay down procedures.....
 - e) to stipulate something
 - f) to prevail over something.....
 - g) to have bearing on something.....
 - h) to suspend something.....
 - i) to call for something.....
- i) to demand that something should happen
 - ii) to become effective
 - iii) to stop something from progressing until a decision is made about it
 - iv) to be protected (by a constitution/law)
 - v) to affect something, be relevant to something
 - vi) to become more important than something
 - vii) to make changes in law
 - viii) to state officially the way of doing sth
 - ix) to clearly specify conditions

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

- a) to be consistent with.....
- b) from the outset.....
- c) to correspond to/with.....
- d) in other words.....
- e) in particular.....
- f) contrary to.....

- i) unlike
- ii) indicating that something applies especially to one person/thing
- iii) from the beginning
- iv) to show similarity/ connection
- v) introducing a simpler explanation

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 beon the European Communities”
2. Oil wasin the North Sea.
3. The department wasafter sweeping reforms.
4. Our project is partlyby 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 verypersonal 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 befrom January next year.
5. My department is very - we have dealt successfully with all the enquiries.
6. The new system of voting becomestoday.

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 morethan 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’sto the throne.

2. I don't haveto confidential information.
3. Poland'sto the European Union.
4.to the building is from the north side.
5. an ex-husband's right ofto 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 finallythe rehabilitation process.
2. This decision willall sectors of our economy.
3. Their attitude willour future success.
4. Economic growth can only bethrough strict measures.
5. The burglarstheir 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 Ia question?
6. when the opportunity
7. Are there any issuesfrom the last meeting?
8. should the need(=if there is need)
9. The government shouldn'tpeople's expectations too much

4.5.2 False Friends of Language

1. The Polish word “hymn” is anwhereas 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 wspinała okazja, żeby nauczyć się nowych rzeczy