

2014

# European Business Law: The Direct Effect of Directives And The Free Movement of Goods

Spyrou, Froso

International & European Business Law, Law school, Neapolis University Pafos

---

<http://hdl.handle.net/11728/6699>

*Downloaded from HEPHAESTUS Repository, Neapolis University institutional repository*

**European Business Law:  
The Direct Effect of Directives  
And The Free Movement of Goods**

της  
ΦΡΟΣΩ ΣΠΥΡΟΥ

**Μεταπτυχιακό Πρόγραμμα στο Διεθνές και Ευρωπαϊκό Οικονομικό Δίκαιο  
(LLM)**

Πανεπιστήμιο Νεάπολης Πάφου

Πάφος, Κύπρος

2014

Υποβληθείσα στη Σχολή Νομική Σχολή Πανεπιστημίου Νεάπολης Πάφου

σε μερική εκπλήρωση

των απαιτήσεων για την απόκτηση

του Πτυχίου του

**LLM**

*Σελίδα εκ προθέσεως κενή*

**European Business Law:  
The Direct Effect of Directives  
And The Free Movement of Goods**

Διπλωματική Εργασία

*Επιβλέπων/ουσα Καθηγητής/τρια*

**Θωμάς-Νεκτάριος Παπαναστασίου**

*Εξεταστική Επιτροπή*

*Κοσμήτορας/Διευθυντής Προγράμματος*

**Αντώνης Μανιτάκης**

## **Ευχαριστίες**

**Στην οικογένεια μου,  
Ξένια, Μιχάλη,  
Σπύρο και Νικόλα**

**Στον Καθηγητή μου,  
Θωμάς Νεκτάριος Παπαναστασίου**

**European Business Law:  
The Direct Effect of Directives  
And The Free Movement of Goods**

## Table of Contents

<b>1.</b>	<b>Chapter 1 - Introduction</b>	<b>1</b>
<b>2.</b>	<b>Chapter 2 - European Business Law – European Directives</b>	<b>4</b>
2.1.	Action Plan to Modernise EU Company law And Corporate Governance	4
2.2.	Legal Basis of Business Law	6
2.3.	Company Law	7
2.4.	Environmental Business Law	7
2.5.	7 <sup>th</sup> Directive	8
2.6.	8 <sup>th</sup> Directive	9
2.7.	Directive 90/434/EEC Mergers and Acquisitions	9
2.8.	Directive 2007/36/EC: On the Exercising of shareholders rights	10
2.9.	Transparency Directive: Updating Directive 2004/109/EC	11
2.10.	Directive 2006/68/EC amending directive 77/91/EEC : Companies capital, formation, maintenance and alterations.	12
2.11.	Regulation No 596/2014 on market abuse (Market Abuse Regulation) and Directive 2014/57/EU on criminal sanctions for market abuse (Market Abuse Directive)	13
2.12.	Directive 2011/92/EU: Assessment of the effects of certain public and private projects	14
2.13.	Directive (2010/75/EU): Industrial emissions	14
2.14.	Directive 1999/31/EC Landfill	14
2.15.	Intellectual property	14
2.16.	Directive 98/71/EU industrial designs	14
2.17.	Capital requirements directive and Taxation on savings	15
2.18.	The new regulatory package on credit rating agencies (CRA) consists of a Regulation 462/2013 And Directive 2013/14/EU	15

<b>3.</b>	<b>Chapter 3 - Free Movement of Goods : Direct Charges</b>	<b>17</b>
3.1.	Elimination of border charges and fiscal barriers	17
3.2.	Definition of Goods	18
3.3.	Duties and equivalent charges, Purpose of Charges	20
3.4.	Charges with Equivalent effect to a customs duty	22
3.5.	Exceptions to the general rule	22
<b>4.</b>	<b>Chapter 4 - Free Movement of Goods : Indirect Charges</b>	<b>24</b>
4.1.	Art.110 (1) TFEU: Similar Products, Direct Discrimination, Indirect Discrimination	25
4.2.	Direct discrimination	25
4.3.	Indirect Discrimination	25
4.4.	Art.110 (2) TFEU: Protectionist	28
4.5.	Competition Law	29
<b>5.</b>	<b>Chapter 5 - Direct Effect of Directives</b>	<b>33</b>
5.1.	The principle of Direct Effect	33
5.2.	Direct effect	34
5.3.	Treaty Articles	34
5.4.	Regulations	34
5.5.	Directives the early case law	35
5.6.	The concept of direct effect	35
5.7.	Member States holds sovereign powers	38
5.8.	The reinforcement of vertical direct effect of directives	39
<b>6.</b>	<b>Chapter 6 - Conclusion</b>	<b>45</b>
<b>7.</b>	<b>Bibliography</b>	<b>47</b>



## **Abstract**

This paper will examine the status of the current European Business Law regime among the Member States. This will be done by analyzing relevant directives and regulations of the European Business Law system. In order to complete a more deep analysis, a specific aspect of the European Business Law will be examined; this will be the Free Movement of Goods. The analysis will be based on the relevant Treaty Articles and decisions based on case law by the Court of Justice. Furthermore this paper will examine the effect that Treaties, Regulations, and Directives have on Member States and whether Member States have adapted this European Business Law regime in their national law system.