## Contents

Acknowledgements						
Intro	Introduction					
	pter 1 are and	Significance of Interim Relief	1			
I. II.		Principle of Temporary Judicial Protection rim Relief under European Law – Articles 242 and 243 EC Treaty	1 8			
	pter 2	lief before the European Courts	17			
I.	A.	ditions for Granting Interim Relief  Prima Facie Case  1. Admissibility of the Application in the Main Proceedings  2. Fumus Boni Iuris	17 17 18 22			
	В. С.	Urgency Serious and Irreparable Damage Balance of Interests	25 28 33			
II.	Speca A.	ial Characteristics Procedure	41 41			
		Decision on the Application to Grant Interim Relief Appeals	42 45			

17	1	1	1	
v	1		1	

Inte	pter 3 rim Relief before the National Courts – The Power of National Courts rant Interim Relief	51	
I.	The Conflict between the Effective Protection of Individuals' EC		
	Rights and National Procedural Rules	51	
II.	Interim Relief and the Effective Protection of Individuals	54	
III.	The ECJ's Case-Law on Interim Relief before the National Courts		
	A. Factortame as a third Generation Judgment	60	
	B. The Principle of Effectiveness of EC Law in <i>Factortame</i> as the		
	Legal Basis for Interim Relief	65	
	C. Zuckerfabrik – the Development of Interim Protection of EC	-	
	Rights	67	
	D. The Effective Protection of the Individual in the Foreground	70	
	E. The Creation of a New Competence for National Courts to	7.	
	Grant Interim Relief-Implications  F. Atlanta – the Existing Principles of Interim Relief and their	72	
	Extension	75	
	pter 4 ditions for Granting Interim Relief before National Courts  Restrain To National Procedural Autonomy  Zuckerfabrikl Atlanta – the 'Communitarization' of the Conditions for Interim Relief before the National Courts  The Conditions PER SE  A. Obligation for a Preliminary Reference		
	B. Serious Doubts	87	
	C. Urgency	88	
	Consequences of the ECJ's Case Law on the Interim Protection of	89	
Indiv	iduals' EC Rights	93	
I.	The Reaction of National Courts	93	
II.	Subsequent Cases on Interim Relief	99	
	A. T. Port	99	
	B. Krüger	101	
	C. Emesa	104	
	D. ABNA Ltd. and Others	105	

Contents

Chap The I		tiveness of the System of Interim Protection of Individuals	
under			109
I. II.		oduction European and National Courts' Role in the Effective Protection	109
11.		ndividuals' EC Rights	111
III.		'Effective' Interim Protection of Individuals in the EC Legal Order Interim Relief before the European Courts	113
		<ol> <li>The Strict Standing Requirements in Applications for Interim Relief</li> <li>The Jeso-Quere Formula in Applications for Interim Relief</li> </ol>	113 119
	B.	Interim Relief before the National Courts	122
	C.	An Incomplete System of Interim Relief	129
		1. Unequal Treatment of Individuals in Applications for	
		Interim Relief	129
		2. An EC System of Interim Relief with 'Double Standards'	133
Conc	lusio	n	139
Biblic	grap	hy	151
Index			163