

Case T-115/94 Opel Austria GmbH v Council of the European Union [1997] ECR II-39

Facts: A Free Trade Agreement (FTA) entered into by Austria and the EU had the effect of imposing a tariff on gearboxes operated by the applicant. The applicant sought to annul a Council Regulation which withdrew tariff concessions under that FTA. The applicant cited several grounds of review, most prominently that the FTA itself had been infringed, that there was a misuse of powers, and that there was an inadequate statement of reasons of the contested regulation.

Held: The provision was declared to be void. The Court of First Instance found that the principle of good faith in international law mirrored the principle of protection of legitimate expectations, which formed part of the EU legal order. Therefore, any economic operator to whom an institution had given justified hopes could rely on the principle of protection of legitimate expectations, and so the international agreement was directly effective. As the Regulation was adopted following the Member States approving the international agreement (but prior to its entry into force), the applicants have legitimate expectations which had been frustrated.

Moreover, EU legislation needed to be certain in its application and foreseeable by individuals. The principle of legal certainty required that every EU measure with legal effects should be clear and precise and should be brought to the notice of the persons concerned in a way that they could ascertain the time the measure came into effect.