

Table of Cases

Court of Justice of the European Union

- Case 26-62 *N.V. Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration (van Gend en Loos)* [1963] ECLI:EU:C:1963:1
- Case 6-64 *Flaminio Costa v E.N.E.L. (Costa ENEL)* [1964] ECLI:EU:C:1964:66
- Case 29-69 *Erich Stauder v City of Ulm (Stauder)* [1969] ECLI:EU:C:1969:57
- Case 11-70 *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel (Internationale Handelsgesellschaft)* [1970] ECLI:EU:C:1970:114
- Case 4-73 *J. Nold, Kohlen- und Baustoffgroßhandlung v Commission of the European Communities (Nold)* [1974] ECLI:EU:C:1974:51
- Case C 35/76 *Simmenthal SpA v Ministero delle Finanze italiano (Simmenthal)* [1976] ECLI:EU:C:1976:180
- Case 283/81 *Srl CILFIT and Lanificio di Gavardo SpA v Ministry of Health (CILFIT)* [1982] ECLI:EU:C:1982:335
- Case 5/88 *Hubert Wachauf v Bundesamt für Ernährung und Forstwirtschaft (Wachauf)* [1989] ECLI:EU:C:1989:321
- Case C-379/87 *Anita Groener v Minister for Education and the City of Dublin Vocational Educational Committee (Groener)* [1989] ECLI:EU:C:1989:599
- Case C-260/89 *Elliniki Radiophonia Tiléorassi AE and Panellinia Omospondia Syllogon Prossopikou v Dimotiki Etairia Pliroforissis and Sotirios Kouvelas and Nicolaos Avdelas and others (ERT)* [1991] ECLI:EU:C:1991:254
- Case C-159/90 *The Society for the Protection of Unborn Children Ireland Ltd v Stephen Grogan and others (Grogan)* [1991] ECLI:EU:C:1991:378
- Case C-473/93 *Commission of the European Communities v Grand Duchy of Luxembourg (Commission v Luxembourg)* [1996] ECLI:EU:C:1996:263
- Case C-309/96 *Daniele Annibaldi v Sindaco del Comune di Guidonia and Presidente Regione Lazio (Annibaldi)* [1997] ECLI:EU:C:1997:631
- Case C-285/98 *Tanja Kreil v Bundesrepublik Deutschland* [2000] ECLI:EU:C:2000:2
- Case C-36/02 *Omega Spielhallen- und Automatenaufstellungs-GmbH v Oberbürgermeisterin der Bundesstadt Bonn (Omega)* [2004] ECLI:EU:C:2004:614
- Case T-315/01 *Yassin Abdullah Kadi v Council of the European Union and Commission of the European Communities (Kadi)* [2005] ECLI:EU:T:2005:332
- Case C-144/04 *Werner Mangold v Rüdiger Helm (Mangold)* [2005] ECLI:EU:C:2005:709
- Case C-540/03 *European Parliament v Council of the European Union* [2006] ECLI:EU:C:2006:429

Table of Cases

- Case C-76/05 *Herbert Schwarz and Marga Gootjes-Schwarz v Finanzamt Bergisch Gladbach (Schwarz)* [2007] ECLI:EU:C:2007:492
- Case C-411/05 *Félix Palacios de la Villa v Cortefiel Servicios SA* [2007] ECLI:EU:C:2007:604
- Case C-438/05 *International Transport Workers' Federation and Finnish Seamen's Union v Viking Line ABP and OÜ Viking Line Eesti (Viking)* [2007] ECLI:EU:C:2007:772
- Case C-427/06 *Birgit Bartsch v Bosch und Siemens Hausgeräte (BSH) Altersfürsorge GmbH (Bartsch)* [2008] ECLI:EU:C:2008:517
- Case C-353/06 *Stefan Grunkin and Dorothee Regina Paul (Grunkin and Paul)* [2008] ECLI:EU:C:2008:559
- Case C-33/07 *Ministerul Administrației și Internelor - Direcția Generală de Pașapoarte București v Gheorghe Jipa (Jipa)* [2008] ECLI:EU:C:2008:396
- Case C-222/07 *Unión de Televisiones Comerciales Asociadas (UTECA) v Administración General del Estado (UTECA)* [2009] ECLI:EU:C:2009:124
- Case C-387/05 *European Commission v Italian Republic (Commission v Italy)* [2009] ECLI:EU:C:2009:781
- Case C-555/07 *Seda Küçükdeveci v Swedex GmbH & Co. KG (Küçükdeveci)* [2010] ECLI:EU:C:2010:21
- Case C-135/08 *Janko Rottman v Freistaat Bayern (Rottmann)* [2010] ECLI:EU:C:2010:104
- Case C-208/09 *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien (Sayn-Wittgenstein)* [2010] ECLI:EU:C:2010:806
- Case C-34/09 *Gerardo Ruiz Zambrano v Office national de l'emploi (ONem) (Ruiz Zambrano)* [2011] ECLI:EU:C:2011:124
- Joined Cases T-267/08 and T-279/08 *Région Nord-Pas-de-Calais (T-267/08) and Communauté d'agglomération du Douaisis (T-279/08) v European Commission* [2011] ECLI:EU:T:2011:209
- Case C-391/09 *Malgożata Runevič-Vardyn and Lukasz Paweł Wardyn v Vilniaus miesto savivaldybės administracija and Others (Runevič-Vardyn)* [2011] ECLI:EU:C:2011:291
- Case C-51/08 *European Commission v Grand Duchy of Luxembourg (Commission v Luxembourg)* [2011] ECLI:EU:C:2011:336
- Case C-399/09 *Marie Landtová v Česká správa socialního zabezpečení (Landtová)* [2011] ECLI:EU:C:2011:415
- Case C-430/10 *Hristo Gaydarov v Director na Glavna direktzia "Ohranitelna politzia" pri Ministerstvo na vatreshnite raboti (Gaydarov)* [2011] ECLI:EU:C:2011:749
- Case C-434/10 *Petar Aladzhev v Zamestnik director na Stolichna direktzia na vatreshnite raboti kam Ministerstvo na vatreshnite raboti (Aladzhev)* [2011] ECLI:EU:C:2011:750
- Case C-348/09 *P.I. v Oberbürgermeisterin der Stadt Remscheid* [2012] ECLI:EU:C:2012:300

- Case C-364/10 *Hungary v Slovak Republic* [2012] ECLI:EU:C:2012:630
- C-370/12 *Thomas Pringle v Government of Ireland and Others (Pringle)* [2012] ECLI:EU:C:2012:756
- Case C-617/10 *Åklagaren v Hans Åkerberg Fransson (Åkerberg Fransson)* [2013] ECLI:EU:C:2013:105
- Case C-399/11 *Stefano Melloni v Ministerio Fiscal (Melloni)* [2013] ECLI:EU:C:2013:107
- Case C-253/12 *JS v. Czech Social Insurance Authority* [2013] ECLI:EU:C:2013:212
- Case C-300/11 *ZZ v Secretary of State for the Home Department (ZZ)* [2013] ECLI:EU:C:2013:363
- Case C-131/12 *Google Spain SL and Google Inc. v Agencia Española de Protección de Datos (AEPD) and Mario Costeja González (Google Spain)* [2014] ECLI:EU:C:2014:317
- Case C-156/13 *Digibet Ltd and Gert Albers v Westdeutsche Lotterrie GmbH & Co. OHG (Digibet)* [2014] ECLI:EU:C:2014:1756
- Case Opinion 2/13 *Opinion pursuant to Article 218(11) TFEU* [2014] ECLI:EU:C:2014:2454
- Case C-62/14 *Peter Gauweiler and Others v Deutscher Bundestag (Gauweiler)* [2015] ECLI:EU:C:2015:400
- Case C-105/14 *Criminal proceedings against Ivo Taricco and Others (Taricco I)* [2015] ECLI:EU:C:2015:555
- Case C-438/14 *Nabiel Peter Bogendorff von Wolffersdorff v Standesamt der Stadt Karlsruhe and Zentraler Juristischer Dienst der Stadt Karlsruhe (Bogendorff von Wolffersdorff)* [2016] ECLI:EU:C:2016:401
- Case C-201/15 *Anonymi Geniki Etairia Tsimenton Iraklis (AGET Iraklis) v Ypourgos Ergasias, Koinonikis Asfalisis kai Koinonikis Allilengyis (AGET Iraklis)* [2016] ECLI:EU:C:2016:972
- Case C-51/15 *Remondis GmbH & Co. KG Region Nord Hannover (Remondis)* [2016] ECLI:EU:C:2016:985
- Case C-157/15 *Samira Achbita and Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV (Samira Achbita)* [2017] ECLI:EU:C:2017:203
- Case C-188/15 *Asma Bougnaoui and Association de défense des droits de l'homme (ADDH) v Micropole SA (Asma Bougnaoui)* [2017] ECLI:EU:C:2017:204
- Joined Cases C-643/15 and C-647/15 *Slovak Republic and Hungary v Council of the European Union* [2017] ECLI:EU:C:2017:631
- Case C-42/17 *Criminal proceedings against M.A.S. and M.B. (Taricco II)* [2017] ECLI:EU:C:2017:936
- Case C-64/16 *Associação Sindical dos Juizes Portugueses v Tribunal de Contas (ASJP)* [2018] ECLI:EU:C:2018:117
- Case C-414/16 *Vera Egenberger v Evangelisches Werk für Diakonie und Entwicklung e.V. (Egenberger)* [2018] ECLI:EU:C:2018:257
- Case C-673/16 *Relu Adrian Coman and Others v Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne (Coman)* [2018] ECLI:EU:C:2018:385

Table of Cases

- Case C-216/18 PPU *Request for a preliminary ruling from High Court (Ireland) (Celmer)* [2018] ECLI:EU:C:2018:586
- Case C-493/17 *Proceedings brought by Heinrich Weiss and Others (Weiss)* [2018] ECLI:EU:C:2018:1000
- Case Avis 1/17 *Accord ECG UE-Canada (CETA Opinion)* [2019] ECLI:EU:C:2019:341
- Case C-619/18 *European Commission v Republic of Poland (Supreme Court Retirements)* [2019] ECLI:EU:C:2019:531
- Joined Cases C-585/18, C-624/18 and C-625/18 *A. K. and Others v Sąd Najwyższy, CP v Sąd Najwyższy and DO v Sąd Najwyższy (AK)* [2019] ECLI:EU:C:2019:982
- Case C-502/19 *Criminal proceedings against Oriol Junqueras Vies* [2019] CLI:EU:C:2019:1115
- Case C-791/19 R *European Commission v Republic of Poland (Commission v Poland)* [2020] ECLI:EU:C:2020:277
- Case C-78/18 *European Commission v Hungary (Transparency of associations)* [2020] ECLI:EU:C:2020:476
- Case C-594/18 P *Republic of Austria v European Commission (Hinkley Point)* [2020] ECLI:EU:C:2020:742
- Joined Cases C-511/18, C-512/18 and C-520/18 *La Quadrature du Net and Others v Premier ministre and Others (La Quadrature)* [2020] ECLI:EU:C:2020:791
- Case C-808/18 *European Commission v Hungary* [2020] ECLI:EU:C:2020:1029
- Case C-896/19 *Repubblica v Il-Prim Ministru (Repubblica)* [2021] ECLI:EU:C:2021:311
- Case C-791/19 *European Commission v Republic of Poland* [2021] ECLI:EU:C:2021:596
- Case C-204/21 R *European Commission v Republic of Poland* [2021] ECLI:EU:C:2021:878
- Case C-821/19 *European Commission v Hungary* [2021] ECLI:EU:C:2021:930
- Joined Cases C-357/19, C-379/19, C-547/19, C-811/19 and C-840/19 *Euro Box Promotion and Others (Euro Box)* [2021] ECLI:EU:C:2021:1034
- Case C-156/21 *Hungary v European Parliament and Council of the European Union* [2022] ECLI:EU:C:2022:97
- Case C-157/21 *Republic of Poland v European Parliament and Council of the European Union* [2022] ECLI:EU:C:2022:98
- Case C-391/20 *Proceedings brought by Boriss Cilevičs and Others (Cilevičs)* [2022] ECLI:EU:C:2022:638

Opinions of the Advocates General

- Case C-173/99 *The Queen v Secretary of State for Trade and Industry (BECTU)* [2001] ECLI:EU:C:2001:81, Opinion of AG Tizzano
- Case C-160/03 *Kingdom of Spain v Eurojust (Eurojust)* [2004] ECLI:EU:C:2004:817, Opinion of AG Maduro
- Case C-135/08 *Janko Rottman v Freistaat Bayern (Rottmann)* [2009] ECLI:EU:C:2009:588, Opinion of AG Maduro

- Case C-364/10 *Hungary v Slovak Republic* [2012] ECLI:EU:C:2012:124, Opinion of AG Bot
- Case C-127/07 *Société Arcelor Atlantique et Lorraine and Others v Premier ministre, Ministre de l'Écologie et du Développement durable and Ministre de l'Économie, des Finances et de l'Industrie (Société Arcelor Atlantique)* [2008] EU:C:2008:292, Opinion of AG Maduro
- Case C-222/07 *Unión de Televisiones Comerciales Asociadas (UTECA) v Administración General del Estado (UTECA)* [2008] ECLI:EU:C:2008:468, Opinion of AG Kokott
- Case C-62/14 *Peter Gauweiler and Others v Deutscher Bundestag (Gauweiler)* [2015] ECLI:EU:C:2015:7, Opinion of AG Villalón
- Case C-157/15 *Samira Achbita and Centrum voor gelijkheid van kansen en voor racismebestrijding v G4S Secure Solutions NV (Samira Achbita)* [2016] ECLI:EU:C:2016:382, Opinion of AG Kokott
- Case C-42/17 *Criminal proceedings against M.A.S. and M.B. (Taricco II)* [2017] ECLI:EU:C:2017:564, Opinion of AG Bot
- Case C-821/19 *European Commission v Hungary* [2021] ECLI:EU:C:2021:143, Opinion of AG Rantos
- Case C-490/20 *V.M.A. v Stolichna obshtina, rayon „Pancharevo“* [2021] ECLI:EU:C:2021:296, Opinion of AG Kokott
- Joined Cases C-368/20 and C-369/20 *NW gegen Landespolizeidirektion Steiermark und Bezirkshauptmannschaft Leibnitz (Steiermark)* [2021] ECLI:EU:C:2021:821, Opinion of AG ØE

European Court of Human Rights

- Anchugov and Gladkov v Russia* App no 11157/04 and 15162/05 (ECtHR, 9 December 2013)
- Hirst v UK* App no 74025/01 (ECtHR, 6 October 2005)
- Animal Defenders International v UK* App no 48876/08 (ECtHR, 22 March 2013)
- Grimmark v Sweden* App no 43726/17 (ECtHR, 11 February 2020)
- P and S v Poland* App no 57375/08 (ECtHR, 30 October 2012)
- Eweida and Others v UK* App no 48420/10, 36516/10, 51671/10 et al. (ECtHR, 15 January 2013)
- Reczkowicz v Poland* App no. 43447/19 (ECtHR, 22 November 2021)
- Fedotova v Russia* App no 40792/10, 30538/14 and 43439/14 (ECtHR, 17 January 2023)
- Matthews v. UK* App no 24833/94 (ECtHR, 18 February 1999)

Austrian Constitutional Court (*Verfassungsgerichtshof*)

Austrian Verfassungsgerichtshof, Case U 466/11, 14 March 2012

Czech Constitutional Court (*Ústavní Soud*)

Czech Ústavní Soud, Case Pl. ÚS 14/94 *Dreithaler* 8 March 1995

Table of Cases

Czech Ústavní Soud, Case Pl. ÚS 5/12 *Slovak Pensions* 31 January 2012
Czech Ústavní Soud, Case Pl. ÚS 36/01 *Bankruptcy Trustee* 25 June 2002

Czech Supreme Administrative Court (*Nejvyšší Správní Soud*)

Czech Nejvyšší Správní Soud, Case 6 Ads 18/2012-82, 9 May 2012

Hungarian Constitutional Court (*Magyarország Alkotmánybírósága*)

Hungarian Magyarország Alkotmánybírósága, Case 22/2016 (XII. 5.) *Refugee Allocation*
5 December 2016

Danish Supreme Court (*Højesteret*)

Danish Højesteret, Case Ugeskrift for Retsvæsen 1998.800H [1998]
Danish Højesteret, Case Ugeskrift for Retsvæsen 1999.1798H [1999]
Danish Højesteret, Case Ugeskrift for Retsvæsen 2013.1451H [2013]
Danish Højesteret, Case 15/2014 *Dansk Industri (DI) acting for Ajos A/S v The estate left by A (Ajos)* 6 December 2016
Danish Højesteret, Case Ugeskrift for Retsvæsen 2017.824H [2017]

French Constitutional Court (*Conseil Constitutionnel*)

French Conseil Constitutionnel, Case 2004-505 DC *Constitutional Treaty* 19 November 2004

German Federal Constitutional Court (*Bundesverfassungsgericht*)

BVerfGE 37, 271 *Solange I* 29 May 1974
BVerfGE 73, 339 *Solange II* 22 October 1986
BVerfGE 89, 155 *Maastricht* 12 October 1993
BVerfG, 2 BvR 2236/04 *Citizen D* 18 July 2005
BVerfG, 2 BvE 2/08 *Lisbon* 30 June 2009
BVerfG, 2 BvR 2661/06 *Honeywell* 6 July 2010
BVerfG, 2 BvR 2661/06 *Honeywell* 6 July 2010, Dissenting opinion of Justice Landau
BVerfG, 2 BvR 987/10 *Euro-Rettung* 7 September 2011
BVerfG, 2 BvR 2728/13 *OMT I* 14 January 2014
BVerfG, 2 BvR 2728/13 *OMT I* 14 January 2014, Dissenting opinion of justice Lübbecke-Wolff
BVerfG, 2 BvR 1390/12 *ESM* 18 March 2014
BVerfG, 2 BvR 2735/14 *EAW* 15 December 2015
BVerfG, 2 BvR 2728/13 *OMT II* 21 June 2016
BVerfG, 2 BvR 1685/14 *European Banking Union* 30 July 2019
BVerfG, 1 BvR 16/13 *Right to be Forgotten I* 6 November 2019

BVerfG, 1 BvR 276/17 *Right to be forgotten II* 6 November 2019
BVerfG, 2 BvR 2347/15 *Self-determined Death* 26 February 2020
BVerfG, 2 BvR 859/15 *PSPP* 5 May 2020
BVerfG, 2 BvR 547/2 *NGEU* 6 December 2022

Italian Constitutional Court (*Corte Costituzionale*)

Italian Corte Costituzionale, Case 183/1973 *Frontini* 27 December 1973
Italian Corte Costituzionale, Case 170/84 *Granital* 8 June 1984

Latvian Constitutional Court (*Satversmes tiesa*)

Latvian Satversmes tiesa, Case 2015-01-01 *Flag of Latvia* 2 July 2015
Latvian Satversmes tiesa, Case 2005-02-0106, 14 September 2005

Lithuanian Constitutional Court (*Konstitucinis Teismas*)

Lithuanian Respublikos Konstitucinis Teismas, Case 14/98 *Name Spelling* 6 November 2009
Lithuanian Respublikos Konstitucinis Teismas, Case 102/2010 *State Pension* 22 February 2013

Polish Constitutional Tribunal (*Trybunał Konstytucyjny*)

Polish Trybunał Konstytucyjny, Case K 18/04, 11 May 2005
Polish Trybunał Konstytucyjny, Case K 32/09 *Lisbon* 24 November 2010
Polish Trybunał Konstytucyjny, Case K 1/20, 22 October 2020
Polish Trybunał Konstytucyjny, Case K 3/21 *Unconstitutionality of EU Law* 7 October 2021

Polish Supreme Court (*Sąd Najwyższy*)

Polish Sąd Najwyższy, Case III PO 7/18, 5 December 2019

Russian Federal Constitutional Court (*Конституционный суд*)

Russian Конституционный суд, Case 12-П/2016, 19 April 2016

Spanish Constitutional Court (*Tribunal Constitucional de España*)

Tribunal Constitucional de España, Case 1/2004 *Declaración Constitutional Treaty* 13 December 2004

Supreme Court of Ireland

Supreme Court of Ireland, Case IESC 44, *Patrick Costello v. The Government of Ireland*, 11 November 2022

Supreme Court of the United Kingdom

Supreme Court of the UK, *Lee v Ashers Baking Company Ltd and others* [2018] UKSC 2017/0020

Supreme Court of the United States

Supreme Court of the United States, *West Virginia State Board of Education v Barnette* [1943] 319 US 624

Lower Courts

UK, *Ladele v London Borough of Islington* [2009] EWCA Civ 1357

USA, *Browder v Gayle* 352 US 903 (1956)

Germany, BGH, Case XII ZB 463/13 10 December 2014

References to Previous Work

Arguments of Chapter 3 and Chapter 6 of this research in part coincide with two other contributions, written exclusively by the author of this research. Chapter 3 in small parts reflects the arguments of a contribution: Gašperin Wischhoff J, 'Forgetting Identity Claims – The New Constitutional Paradigm in Multilevel Fundamental Rights Standards' in Maja Sahadžić and others (eds), *Legal Mechanisms of Divergence and Convergence: Accommodating Diversity in Multilevel Constitutional Orders* (Routledge 2023). Chapter 6 significantly draws on the contribution: Gašperin Wischhoff J, 'A Plaidoyer Against the Sisyphian Endeavour to Imagine the Constitutional Identity for the EU' in Jurgen de Poorter and others (eds), *A Constitutional Identity for the EU?*, vol 4 (TMC Asser Press 2023).