

Case C-149/96 Portugal v Council [1999]

Facts: Portugal brought an action for the annulment of the Council Decision concerning the conclusion of Memoranda of Understanding between the EU and Pakistan and India, on arrangements in the area of market access for textile products. Portugal claimed that the Decision constituted a breach of certain rules and fundamental principles of the WTO agreement.

Held: The Court is to review the legality of measures adopted by the Community institutions in light of the WTO agreement only where the Community intended to implement a particular obligation assumed in the context of the WTO, or where the Community measures refer expressly to the provisions of the WTO agreements. This was not the case of the contested decision, whose purpose was to approve the Memoranda of Understanding negotiated by the Community with Pakistan and India.