

Case C-91/92 Paola Faccini Dori v Recreb Srl [1994]

Facts: The appellant cancelled her order for a language course, relying on rights of cancellation provided for by an EU law directive. This directive had not been incorporated into Italian national law.

Held: The directive did not have direct effect. Under Art. 288 TFEU a directive is binding only in relation to each Member State to which it is addressed and has been established to prevent a State from taking advantage of its own failure to comply with Community law. To hold otherwise would recognise a Community power to enact obligations for individuals with immediate effect, which only exists in the context of regulations. In the absence of measures transposing the Directive, an individual may not rely on a directive in order to claim a right against another individual. Where a Member State fails to comply with directive and the result cannot be achieved by way of interpretation of national law.