

Case C-106/89 Marleasing [1990] ECR I-4135

Facts: The claimant company brought proceedings to have another company's articles of association declared void, as it was formed solely to defraud creditors. EU law did not include lack of cause as a ground for the company's nullity, whereas Spanish law did. The issue at stake was if the national court was required to interpret its national law in light of the wording and purpose of the directive, to preclude a declaration of nullity.

Held: The interpretative obligation precluded an interpretation of provisions of national law that would enable the nullity of a company on grounds other than those exhaustively listed in directive.

Whether the national law provisions were adopted before or after the directive, the national court is required to interpret it in the light of the wording and purpose of the directive, as far as possible, in order to achieve its result.