

Case 36/74 Walrave and Koch [1974] ECR -01405

Facts: The International Cycling Union set a requirement that the pacemaker in a race had to be of the same nationality as the stayer. Two Dutch nationals who took part as pacemakers in cycling races contended that the rule was discriminatory.

Held: The imposition of obstacles based on nationality breached the Treaty. In particular, the prohibition of discrimination envisaged by the Treaty in the sphere of economic activities having the character of gainful employment or remunerated service encompassed all work or services – the exact nature of the legal relationship under which the services were provided was not paramount. As such, even if the application was targeting a body which could not be classified as a public authority, it could target the International Cycling Union as that organisation aimed at regulating in a collective manner gainful employment and the provision of services.