

Oliver on Free Movement of Goods in the European Union

Fifth Edition

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OLIVER ON FREE MOVEMENT OF GOODS IN THE EUROPEAN UNION

This is a new edition of Peter Oliver's classic work *Free Movement of Goods in the European Community* (now, in the light of the Lisbon Treaty revisions "European Union") which has established itself as one of the leading works of reference on European law for practitioners and academics alike. Indeed, whether advising clients or preparing for teaching there is no European lawyer who can afford not to have a copy of this book close to hand. Concise, precise, and lucid, the book has become the first port of call for anyone seeking answers to questions about the foundations of free movement of goods in the EU. With specialist chapters written by leading academic and practising lawyers, including Peter Oliver himself, this edition has been extensively rewritten to take into account recent judgments from the ECJ, including important cases such as C-110/05 *Commission v Italy* ("trailers") and C-142/05 *Mickelsson* ("jet skis"), both of which relate to restrictions on the use of goods. It also takes account of all the recent European legislation and the impact of the Lisbon Treaty.

**For Philippa,
Sarah and Emily**

Preface

After writing the first three editions of this book alone, I came to realise that this was no longer tenable. Accordingly, I was extremely glad when Malcolm Jarvis and Christopher Stothers stepped in to assist me with the fourth edition – and am delighted that they have both agreed to be equally involved in the present edition. What is more, an even greater wealth of expertise has been amassed with the arrival of Stefan Enchelmaier, Angus Johnston, Sven Norberg and Steve Weatherill. Having the good fortune to call on such a pool of talent has made it possible to complete the manuscript in record time (by my standards, at least). The allocation of chapters between us will be evident from the table of contents.

Another most welcome step has been the migration of this work to Hart Publishing, a project which I had discussed with Richard Hart over a period of at least ten, if not fifteen years. My warmest thanks go to Richard for bringing this project to fruition as well as for his personal availability to respond to my queries on a wide range of issues relating to publication, presentation and style, which is all the more remarkable in view of his numerous other commitments. I am also most grateful to his staff, Mel Hamill, Jo Ledger, Jane Parker and Rachel Turner for their sound advice and assistance on an array of editorial and other matters, as well as to the copy-editor, Sarah Newton, for her punctilious attention to detail.

Despite these two major changes, I hope and believe that the character of the book has remained unchanged. Quite apart from the fact that I have updated four chapters and added the brief final chapter myself, I have retained editorial control over the whole work; and I am deeply grateful to all the contributors for taking all my editorial suggestions in good heart. At all events, the structure of the book has remained unchanged with just one exception: since Chapter 8 had become unwieldy, the section on intellectual property has been hived off into a separate chapter.

This edition reflects the law as it stood on 1 January 2010, except where it has been possible to take account of subsequent developments. A number of highly significant changes have occurred in the area of law covered by this book since the last edition appeared in 2003. The best known change is of course the entry into force of the Treaty of Lisbon on 1 December 2009. This spelt the end of the European Community, which was merged into the European Union. This Treaty has not affected the substance of what were Articles 28 to 30 of the EC Treaty, although they have now become Articles 34 to 36 of the Treaty on the Functioning of the European Union (TFEU). The impact of the new Treaty has been felt primarily in the fields covered by Chapters 10 (on exception clauses other than Article 36 TFEU) and 13 (harmonisation and other Community legislation relating to free movement of goods). For ease of reference, when a provision is first mentioned in a chapter, the old numbering will appear between brackets; and a table of equivalences is set out in Annex I to this work.

Inevitably, because it was uncertain until November 2009 whether the Treaty of Lisbon would enter into force at all, the book has had to be adapted at a late stage so as to take full

account of the new Treaty. Again, my warmest thanks go to the contributors for their willingness to undertake this thankless task—and especially to Angus Johnston and Steve Weatherill, since they bore the brunt of it.

Needless to say, a considerable body of fresh case law has also seen the light of day in the intervening years: more than 100 judgments have been delivered on Article 34 TFEU (ex Article 28 EC) alone during this period. Amongst the most noteworthy on Articles 34 to 36 are *Alfa Vita*, *Commission v Austria* (Brenner pass), *Commission v Italy* (trailers), *Doc Morris*, *Dynamic Medien*, *Gysbrechts*, *Jersey Produce Marketing Organisation*, *Mickelsson* and *Schmidberger*, to name but a few. What is more, landmark judgments relating to establishment and services such as *Hartlauer*, *Laval* and *Viking* may have an impact on the free movement of goods.

By definition, this book is less concerned with legislation than with case law. Nevertheless, the adoption of Regulation 764/2008 is considered a major step forward in the application of the principle of mutual recognition between Member States in unharmonised areas. An equally significant development has been the adoption of Regulation 450/2008 laying down the Modernised Customs Code, which is set to replace the Customs Code of 1992 over the coming years.

My special thanks go to Maciej Gorka, Luca Prete, Søren Schønberg, Pieter van Nuffel, Thomas van Rijn, Günter Wilms and Wouter Wils for their advice and suggestions about a variety of legal points. Last but most importantly of all, my warmest thanks and gratitude go to my wife Philippa Watson for her solid advice and unerring support and patience during the writing of all five editions of this work.

Peter Oliver

Brussels, 27 June 2010

List of Abbreviations

AG	Advocate General
AöR	<i>Archiv des öffentlichen Rechts</i>
CDE	<i>Cahiers de Droit Européen</i>
CLJ	<i>Cambridge Law Journal</i>
CMLR	Common Market Law Reports
CMLRev	<i>Common Market Law Review</i>
DÖV	<i>Die Öffentliche Verwaltung</i>
EBLR	<i>European Business Law Review</i>
ECLR	<i>European Competition Law Review</i>
ECR	European Court Reports
EHRLR	<i>European Human Rights Law Review</i>
EIPR	<i>European Intellectual Property Review</i>
ELR	<i>European Law Reporter</i>
ELRev	<i>European Law Review</i>
EuR	<i>Europarecht</i>
EurGRZ	<i>Europäische Grundrechte Zeitschrift</i>
EuZW	<i>Europäische Zeitschrift für Wirtschaftsrecht</i>
EWS	<i>Europäisches Wirtschafts- und Steuerrecht</i>
GC	Grand Chamber
GJ	<i>Gaceta Jurídica de la CEE</i>
GRURInt	<i>Gewerblicher Rechtsschutz und Urheberrecht: Internationaler Teil</i>
ICLQ	<i>International and Comparative Law Quarterly</i>
IIC	<i>International Review of Industrial Property and Commercial</i>
IJEL	<i>Irish Journal of European Law</i>
ILJ	<i>Industrial Law Journal</i>
IntTLR	<i>International Trade Law & Regulation</i>
JDE	<i>Journal de Droit Européen (formerly JTDE)</i>
JTDE	<i>Journal des Tribunaux: Droit Européen</i>
LIEI	<i>Legal Issues of European Integration</i>
LQR	<i>Law Quarterly Review</i>
MLR	<i>Modern Law Review</i>
MMR	<i>Multimedia und Recht</i>
NJW	<i>Neue Juristische Wochenschrift</i>
NTER	<i>Nederlands Tijdschrift voor Europees Recht</i>
OJ	Official Journal
PPLRev	<i>Public Procurement Law Review</i>

RabelsZ	<i>Rabelszeitschrift</i>
RAE=LEA	<i>Revue des Affaires Européennes=Law and European Affairs</i>
RDC	<i>Revue du Droit Commercial Belge</i>
RDP	<i>Revue du Droit Publique</i>
RDUE	<i>Revue du Droit de l'Union Européenne (ex Revue du Marché Unique Européen)</i>
RIW	<i>Recht der Internationalen Wirtschaft</i>
RMC	<i>Revue du Marché Commun</i>
RMCUE	<i>Revue du Marché Commun et de l'Union européenne</i>
RMUE	<i>Revue du Marché Unique Européen</i>
RPC	<i>Reports of Patent Cases</i>
RTDE	<i>Revue Trimestrielle de Droit Européen</i>
RTD eur	<i>Revue Trimestrielle de Droit Européen</i>
SEW	<i>Sociaal en Economische Wetgeving</i>
WRP	<i>Wettbewerb in Recht und Praxis</i>
YEL	<i>Yearbook of European Law</i>
ZESAR	<i>Zeitschrift für europäisches Sozial- und Arbeitsrecht</i>
ZHR	<i>Zeitschrift für das gesamte Handelsrecht und Wirtschaftsrecht</i>

Table of Cases

Benelux Court of Justice

<i>Henri Jullien v Verschueren Norbert</i> , Jur Benelux Court of Justice 1983, 36	9.19
--	------

EFTA Court

Alphabetical

<i>A, Criminal proceedings against</i> (Case E–1/07) [2007] EFTA Court Reports 248	14.24
<i>Allied Colloids and Others v Norway</i> (Case E–2/00) [2000–2001] EFTA Court Reports 35	14.21, 14.35
<i>Ásgeirsson and Reynisson</i> (Case E–2/03) [2003] EFTA Court Reports 185	14.06
<i>EFTA Surveillance Authority v Iceland</i> (Case E–1/03), not yet published	14.32
<i>EFTA Surveillance Authority v Norway</i> (Case E–3/00) [2000–2001] EFTA Court Reports 73 ...	8.85, 14.35
<i>Einarsson v The Icelandic State</i> (Case E–1/01) [2002] EFTA Court Reports 1	14.24
<i>Fagtún v Iceland</i> (Case E–5/98) [1999] EFTA Court Reports 51	14.35
<i>HOB-vín v Iceland</i> (Case E–4/05) [2006] EFTA Court Rep 4	12.15, 12.20, 14.35
<i>Karlsson v Iceland</i> (Case E–4/01) [2002] EFTA Court Reports 240	12.09
<i>L'Oréal Norge v Aarskog Per</i> (Cases E–9/07 and E–10/07) [2008] EFTA Court Reports 259	9.47
<i>Mag Instruments v California Trading Company Norway</i> (Case E–2/97) [1997] EFTA Court Reports 127	9.48, 14.14
<i>Norway v Astra Norge</i> (Case E–1/98) [1998] EFTA Court Reports 140	14.35
<i>Pedical v Sosial- og helsedirektoratet</i> (Case E–4/04) [2005] EFTA Court Reports 1	14.35
<i>Restamark</i> (Case E–1/94) [1994] EFTA Court Reports 15	14.07, 14.24, 14.35
<i>Sveinbjörnsdóttir v Iceland</i> (Case E–9/97) [1998] EFTA Court Reports 95	14.07, 14.10, 14.24, 14.30
<i>Ullensaker commune v Nille</i> (Case E–5/96) [1997] EFTA Court Reports 30	14.35

Chronological

Case E–1/94 <i>Restamark</i> [1994] EFTA Court Reports 15	14.07, 14.24, 14.35
Case E–5/96 <i>Ullensaker commune v Nille</i> [1997] EFTA Court Reports 30	14.35
Case E–2/97 <i>Mag Instruments v California Trading Company Norway</i> [1997] EFTA Court Reports 127	9.48, 14.14
Case E–9/97 <i>Sveinbjörnsdóttir v Iceland</i> [1998] EFTA Court Reports 95 ..	14.07, 14.10, 14.24, 14.30
Case E–1/98 <i>Norway v Astra Norge</i> [1998] EFTA Court Reports 140	14.35
Case E–5/98 <i>Fagtún v Iceland</i> [1999] EFTA Court Reports 51	14.35

Case E-2/00 <i>Allied Colloids and Others v Norway</i> [2000-2001] EFTA Court Reports 35	14.21, 14.35
Case E-3/00 <i>EFTA Surveillance Authority v Norway</i> [2000-2001] EFTA Court Reports 73	8.85, 14.35
Case E-1/01 <i>Einarsson v The Icelandic State</i> [2002] EFTA Court Reports 1	14.24
Case E-4/01 <i>Karlsson v Iceland</i> [2002] EFTA Court Reports 240	12.09
Case E-1/03 <i>EFTA Surveillance Authority v Iceland</i> , not yet published	14.32
Case E-2/03 <i>Ásgeirsson and Reynisson</i> [2003] EFTA Court Reports 185	14.06
Case E-4/04 <i>Pedícel v Sosiall- og helsedirektoratet</i> [2005] EFTA Court Reports 1	14.35
Case E-4/05 <i>HOB-vín v Iceland</i> [2006] EFTA Court Rep 4	12.15, 12.20, 14.35
Case E-1/07 <i>Criminal proceedings against A</i> [2007] EFTA Court Reports 248	14.24
Cases E-9/07 and E-10/07 <i>L'Oréal Norge v Aarskog Per</i> [2008] EFTA Court Reports 259	9.47

European Commission and Court of Human Rights

<i>Casado Coca v Spain</i> (judgment of 24 February 1994)	8.123
<i>Demuth v Switzerland</i> (judgment of 5 November 2002)	8.123
<i>Hertel v Switzerland</i> (judgment of 25 August 1998)	8.66
<i>Kopecký v Slovakia</i> (judgment of 28 September 2004)	10.34
<i>Krone Verlag GmbH v Austria (No 3)</i> (judgment of 11 December 2003)	8.123
<i>Markt intern Verlag GmbH v Germany</i> (judgment of 20 November 1989)	8.66, 8.123
<i>National & Provincial Building Society v UK</i> (judgment of 23 October 1997)	13.87
<i>Niemietz v Germany</i> (judgment of 16 December 1992)	8.66
<i>Stec v UK</i> (judgment of 12 April 2006)	10.34
<i>Steel v UK</i> (judgment of 15 February 2005)	8.66
<i>Verein gegen Tierfabriken v Switzerland</i> (judgment of 28 June 2001)	8.66, 8.123

European Commission Decisions

CISAC [2008] OJ C323/12	9.67
Dec 89/205 (Case IV/31.851) <i>Magill TV Guide/ITP, BBC and RTE</i> [1989] OJ L78/43	9.11

European Court of Justice and Court of First Instance

Alphabetical

<i>Abbink</i> (Case 134/83) [1984] ECR 4097	8.146
<i>ACOR v Administración General del Estado</i> (Case C-414/01) [2003] ECR I-14083	11.10
<i>Administration des Douanes v Legros</i> (Case C-163/90) [1992] ECR I-4625	1.02, 3.05, 6.121
<i>Administration des douanes v Rioglass and Transremar</i> (Case C-115/02) [2003] ECR I-12705	2.28, 7.133, 9.28
<i>Advocaten voor de Wereld v Leden van de Ministerraad</i> (Case C-303/05) [2007] ECR I-3633	6.130, 8.61
<i>AGM-COS.MET v Finland and Lehtinen</i> (Case C-470/03) [2007] ECR I-2749	4.08, 6.11-6.12, 7.28, 8.49-8.51, 8.60, 13.91, 13.133
<i>Aher-Waggon</i> (Case C-389/96) [1998] ECR I-4473	8.11, 8.15, 8.190, 8.193

<i>Ahmed Saeed Flugreisen v Zentrale zur Bekämpfung unlauteren Wettbewerbs</i> (Case 66/86)	
[1989] ECR 803	10.10
<i>Ahokainen and Leppik</i> (Case C-434/04) [2006] ECR I-9171	7.04, 8.20, 8.23, 8.25
<i>Aimé Richardt</i> (Case C-367/89) [1991] ECR I-4621	7.11, 8.76, 8.78–8.81, 10.40, 10.43
<i>Aktiebolaget NN v Skatteverket</i> (Case C-111/05) [2007] ECR I-2697	3.03, 3.08
<i>Albany</i> (Case C-67/96) [1999] ECR I-5751	10.10–10.11
<i>Albatros v Sopéco</i> (Case 20/64) [1965] ECR 29	12.11
<i>Albore</i> (Case C-423/98) [2000] ECR I-5965	8.76, 8.80, 10.45–10.46
<i>Alfa Vita v Elliniko Dimosio</i> (Cases C-158/04 and C-159/04) [2006] ECR I-8135	vi, 6.65, 6.81, 6.85–6.87, 6.91, 6.126, 7.21, 7.106
<i>Allen and Hanbury's Ltd v Generics (UK)</i> (Case 434/85) [1988] ECR 1245	4.04, 9.24
<i>Alpine Investments BV v Minister van Financiën</i> (Case C-384/93) [1995] ECR I-1141	1.13, 2.37, 6.81, 6.95, 6.99, 6.105, 6.107, 6.109, 8.25, 8.45, 8.47, 8.206
<i>Alsthom Atlantique v Sulzer</i> (Case C-339/89) [1991] ECR I-107	6.100
<i>Altmark-Trans</i> (Case C-280/00) [2003] ECR I-7747	10.05
<i>Amelynck</i> (Case C-237/96) [1997] ECR I-5103	2.15
<i>Amylum v Council</i> (Case 108/81) [1982] ECR 3107	13.87
<i>Andersson et al v Sweden</i> (Case C-321/97) [1999] ECR I-3551	14.30
<i>Angonese v Cassa di Risparmio di Bolzano</i> (Case C-281/98) [2000] ECR I-4139	1.14, 4.37–4.39
<i>Annibaldi v Lazio</i> (Case C-309/96) [1997] ECR I-7493	6.130, 8.60, 11.10, 11.12
<i>Antillean Rice Mills v Commission</i> (Case C-390/95P) [1999] ECR I-769	3.02
<i>Antonini</i> (Case 216/86) [1987] ECR 2919	7.87, 11.07
<i>Apostolidis v Orams</i> (Case C-420/07) (judgment of 28 April 2009)	2.24, 3.04, 5.04
<i>Apple and Pear Development Council v Lewis</i> (Case 222/82) [1983] ECR 4083	7.27, 11.10–11.11, 11.14
<i>Aprile v Amministrazione delle Finanze dello Stato</i> (Case C-125/94) [1995] ECR I-2919	1.05
<i>A-Punkt Schmuckhandel v Claudia Schmidt</i> (Case C-441/04) [2006] ECR I-2093	2.26, 6.125, 7.51, 8.166, 13.95
<i>Aragonesa de Publicidad v Departamento de Sanidad</i> (Cases C-1/90 and C-176/90) [1991] ECR I-4151	2.49, 4.03, 6.113, 7.39, 8.06, 8.19, 8.90, 8.119–8.120
<i>ARD v PRO Sieben Media</i> (Case C-6/98) [1999] ECR I-7599	7.40, 7.42, 8.205
<i>Arduino</i> (Case C-35/99) [2002] ECR I-1529	6.39
<i>Arnaud</i> (Cases 89/74, 18/75 and 19/75) [1975] ECR 1023	6.28, 7.105, 11.07
<i>Arnold André v Herford</i> (Case C-434/02) [2004] ECR I-11825	4.15, 4.23
<i>Associação Nacional de Operadores de Máquinas Recreativas (Anomar) v Portugal</i> (Case C-6/01) [2003] ECR I-8621	2.45, 6.124, 6.128, 12.06
<i>Association of the British Pharmaceutical Industry</i> (Case C-62/09) (judgment of 22 April 1020)	8.116
<i>ATRAL v Belgian State</i> (Case C-14/02) [2003] ECR I-4431	8.49
<i>Attanasio v Carbognano</i> (Case C-384/08) (judgment of 11 March 2010)	6.124
<i>Attorney General v Burgoa</i> (Case 812/79) [1980] ECR 2787	10.61
<i>Audiolux</i> (Case C-101/08) [2009] ECR I-0000	13.88
<i>Aventis Pharma Deutschland v Kohlpharma</i> (Case C-433/00) [2002] ECR I-7761	9.56–9.57
<i>Axel Kittel v Belgian State</i> (Cases C-439/04 and C-440/04) [2006] ECR I-6161	2.34
<i>Bagnasco v Banca Popolare di Novara</i> (Case C-216/96) [1999] ECR I-135	6.17
<i>Balkan-Import-Export v HZA Berlin-Packhof</i> (Case 5/73) [1973] ECR 1091	4.17, 10.20–10.21
<i>Banchero</i> (Case C-387/93) [1995] ECR I-4663	7.49, 12.03, 12.05, 12.11–12.12, 12.14
<i>BASF v Präsident des Deutschen Patentamtes</i> (Case C-44/98) [1999] ECR I-6269	6.20, 7.111, 9.07
<i>Basset v SACEM</i> (Case 402/85) [1987] ECR 1747	9.65
<i>Bauhuis v Netherlands</i> (Case 46/76) [1977] ECR 5	4.17, 8.01
<i>Bayer v Süllhöfer</i> (Case 65/86) [1988] ECR 5249	9.10
<i>Bayerische Rundfunk</i> (Case C-337/06) [2007] ECR I-11173	13.128
<i>Beentjes v Netherlands</i> (Case 31/87) [1988] ECR 4635	7.57

<i>Bela-Mühle v Grows-Farm</i> (Case 114/76) [1977] ECR 1211	13.84
<i>Belgapom v ITM Belgium</i> (Case C-63/94) [1995] ECR I-2467	6.64, 7.103
<i>Belgium v Spain</i> (Rioja) (Case C-388/95) [2000] ECR I-3123	6.95, 6.100–6.102, 6.104, 6.109, 6.113, 7.113, 7.119, 9.77
<i>Bellio v Treviso</i> (Case C-286/02) [2004] ECR I-3465	14.32
<i>Bellon</i> (Case C-42/90) [1990] ECR I-4863	8.100
<i>Berendse</i> (Case C-246/98) [2000] ECR I-1777	13.131
<i>Bergandi v Directeur-Général des Impôts</i> (Case 252/86) [1988] ECR 1343	6.35
<i>Berkholz v Finanzamt Hamburg-Mitte-Altstadt</i> (Case 168/84) [1985] ECR 2251	3.08
<i>Berlusconi</i> (Cases C-387/02, C-391/02 and C-403/02) [2005] ECR I-3565	8.34
<i>Bertinetto</i> (Case C-22/99) [2000] ECR I-7629	11.07
<i>Bettati v Safety Hi-Tech</i> (Case C-341/95) [1998] ECR I-4355	8.194
<i>Bic Benelux v Belgium</i> (Case C-13/96) [1997] ECR I-1753	13.104
<i>Bickel</i> (Case C-274/96) [1998] ECR I-7637	8.204
<i>Biovilac v EEC</i> (Case 59/83) [1984] ECR 4057	8.31
<i>Björnekulla Fruktindustrier v Procordia Food</i> (Case C-371/02) [2004] ECR I-5791	8.170
<i>Blanco Pérez</i> (Case C-570/07) (judgment of 1 June 2010)	8.125
<i>Blazquez Rivero</i> (Case C-192/94) [1996] ECR I-1281	13.114
<i>Blesgen</i> (Case 75/81) [1982] ECR 1211	6.53, 6.59, 7.49
<i>Bluhme</i> (Case C-67/97) [1998] ECR I-8033	6.17, 6.20, 6.25, 8.27, 8.130
<i>Bodson v Pompes Funèbres</i> (Case 30/87) [1988] ECR 2479	12.06, 12.11
<i>Boehringer Ingelheim v Swingward</i> (<i>Boehringer I</i>) (Case C-143/00) [2002] ECR I-3759 ..	9.53, 9.56
<i>Boehringer Ingelheim v Swingward</i> (<i>Boehringer II</i>) (Case C-348/04) [2007] ECR I-3391	9.03, 9.53, 9.57, 9.60
<i>Bond van Adverteerders</i> (Case 325/85) [1988] ECR 2085	2.37, 2.49
<i>Booker Aquaculture v Scottish Ministers</i> (Cases C-20/00 and C-64/00) [2003] ECR I-7411	8.59
<i>Bordessa</i> (Case C-358/93) [1995] ECR I-361	2.07, 2.13, 6.38, 7.38
<i>Boscher v British Motors Wright</i> (Case C-239/90) [1991] ECR I-2023	2.43
<i>BP v Commission</i> (Case 77/77) [1978] ECR 1513	10.23
<i>Brandsma</i> (Case C-293/94) [1996] ECR I-3159	6.67, 7.17, 7.20, 7.81, 7.83, 8.83–8.84
<i>Brennet v Paletta</i> (Case C-206/94) [1996] ECR I-2357	6.138
<i>Brentjens</i> (Cases C-115/97 to C-117/97) [1999] ECR I-6025	10.11
<i>Bristol-Myers Squibb v Paranova A/S</i> (Cases C-427/93, C-429/93 and C-436/93) [1996] ECR I-3457	8.15, 9.03, 9.25, 9.32, 9.53, 9.55
<i>Budějovický Budvar v Ammersin</i> (Case C-478/07) (judgment of 8 September 2009)	6.87, 9.70, 9.79
<i>Budějovický Budvar v Rudolf Ammersin</i> (Case C-216/01) [2003] ECR I-13617	2.22, 9.70, 9.79
<i>Buet</i> (Case 382/87) [1989] ECR 1235	7.49, 8.166, 13.94–13.95
<i>Bundesanstalt für den Güterfernverkehr v Reiff</i> (Case C-185/91) [1993] ECR I-5801	6.39
<i>Bundesanstalt für Landwirtschaft und Ernährung v Deutsches Milch-Kontor</i> (Case C-272/95) [1997] ECR I-1905	7.117
<i>Burmanjer</i> (Case C-20/03) [2005] ECR I-4133	2.41, 7.51
<i>Buys</i> (Case 5/79) [1979] ECR 3203	6.39, 7.92
<i>Caixa-Bank France v Ministre de l'Economie, des Finances et de l'Industrie</i> (Case C-442/02) [2004] ECR I-8961	6.81, 6.91
<i>Cámara de Comercio, Ceuta v Municipality of Ceuta</i> (Case C-45/91) [1995] ECR I-4385	3.04
<i>Campus Oil v Minister for Industry and Energy</i> (Case 72/83) [1984] ECR 2727	2.31, 7.104, 8.55, 8.72, 8.77–8.79, 10.14–10.15
<i>Canal Satélite Digital v Spain</i> (Case C-390/99) [2002] ECR I-607	1.13–1.14, 2.36, 2.50, 6.65, 6.67, 6.99, 7.21, 8.30, 8.36, 8.40, 8.42
<i>Canon Kabushiki Kaisha v MGM</i> (Case C-39/97) [1998] ECR I-5507	9.19
<i>Carbonati Apuani v Carrara</i> (Case C-72/03) [2004] ECR I-8027	6.121–6.124
<i>Carciati</i> (Case 823/79) [1980] ECR 2773	8.145–8.146
<i>Cayrol v Rivoira</i> (Case 52/77) [1977] ECR 2261; (1978) 2 CMLR 253	7.09–7.10, 7.12
<i>Celestini v Saar-Sekthellerei Faber</i> (Case C-105/94) [1997] ECR I-2971	7.05

<i>Centrafarm v American Home Products Corporation</i> (Case 3/78) [1978] ECR 1823	9.53, 9.55
<i>Centrafarm v Sterling Drug</i> (Case 15/74) [1973] ECR 1147	9.03, 9.31, 9.38
<i>Centrafarm v Winthrop</i> (Case 16/74) [1974] ECR 1183	9.03, 9.31, 9.52
<i>Centre d'insémination de la Crespelle v Coopérative d'élevage</i> (Case C-323/93) [1994] ECR I-5077	8.49
<i>Centro Europa 7</i> (Case C-380/05) [2008] ECR I-349	6.124
<i>Centro Servizi Spediporto v Spedizioni Marittima del Golfo</i> (Case C-96/94) [1995] ECR I-2883	6.24, 7.111
<i>Centros v Erhvervs-og Selskabsstyrelsen</i> (Case C-212/97) [1999] ECR I-1459	6.138
<i>Centrum voor gelijkheid van kansen en voor racismebestrijding v Feryn</i> (Case C-54/07) [2008] ECR I-5187	4.39
<i>CGT v Conforama</i> (Case C-312/89) [1991] ECR I-997	6.58, 7.52, 8.196
<i>Charmasson v Minister of Economic Affairs</i> (Case 48/74) [1974] ECR 1383	4.12, 11.02, 11.06, 12.24
<i>Chemical Farmaceutici v DAF</i> (Case 140/79) [1981] ECR 1	6.71
<i>Chemische Afvalstoffen Dusseldorp v Minister van Milieubeheer</i> (Case C-203/96) [1998] ECR I-4075	6.95, 6.100, 7.125, 8.10, 8.54, 8.190
<i>Chen v Secretary of State for the Home Department</i> (Case C-200/02) [2004] ECR I-9925	6.128
<i>Chevassus-Marche v Conseil Régional de la Réunion</i> (Case C-212/96) [1998] ECR I-743	3.05, 4.21
<i>Chiciak and Fol</i> (Cases C-129/97 and C-130/97) [1998] ECR I-3315	9.70
<i>Christian Dior v Tuk Consultancy</i> (Cases C-300/98 and C-392/98) [2000] ECR I-11307	9.08
<i>CIA Security International v Signalson and Securitel</i> (Case C-194/94) [1996] ECR I-2201	1.14, 13.100, 13.112-13.114
<i>Cidrerie Ruwet</i> (Case C-3/99) [2000] ECR I-8749	8.169
<i>Cimenteries v Commission</i> (Cases 8/66 and 11/66) [1967] ECR 75	13.107
<i>Cindu Chemicals BV et al</i> (Cases C-281/03 and C-282/03) [2005] ECR I-8069	13.95
<i>Cinéthèque v Fédération Nationale des Cinémas Français</i> (Cases 60/84 and 61/84) [1985] ECR 2605	1.14, 2.39, 6.21, 6.52, 6.55, 6.58, 8.57
<i>Cipolla v Fazari</i> (Case C-94/04) [2006] ECR I-11421	6.39, 7.93, 7.104
<i>Class International v Colgate Palmolive, Unilever</i> (Case C-405/03) [2005] ECR I-8735	7.133, 9.07, 9.28
<i>CMC Motorradcenter v Baskiciogullari</i> (Case C-93/92) [1993] ECR I-500	7.111
<i>CNL-Sucal Hag (Hag II)</i> (Case C-10/89) [1990] ECR I-3711	9.05, 9.18, 9.22, 9.32, 9.41, 9.43-9.44, 9.55
<i>CNTA v Commission</i> (Case 74/74) [1975] ECR 533	13.87
<i>Coditel v Ciné Vog</i> (Case 62/79) [1980] ECR 881	2.37, 8.06, 9.03, 9.63-9.64
<i>Coditel v Ciné-Vog</i> (Case 262/81) [1982] ECR 3381	9.63
<i>Codorniu v Council</i> (Case C-309/89) [1994] ECR I-1853	13.88
<i>Cognet</i> (Case 355/85) [1986] ECR 3231	6.118, 6.127
<i>Coleman v Attridge Law</i> (Case C-303/06) [2008] ECR I-5603	13.113
<i>Colim v Bigg's Continental Nord</i> (Case C-33/97) [1999] ECR I-3175	7.78, 8.155
<i>Collectieve Antennevoorziening Gouda v Commissariaat voor de Media</i> (Case C-288/89) [1991] ECR I-4007	2.49, 8.204
<i>Commission v Austria</i> (Brenner Pass) (Case C-320/03) [2005] ECR I-9871	vi, 2.28, 4.44, 6.103, 6.108, 7.132, 8.10-8.11, 8.32-8.33, 8.194, 13.123
<i>Commission v Austria</i> (Case C-524/07) [2008] ECR I-187	8.11, 8.190, 8.194
<i>Commission v Austria</i> (health-related information) (Case C-221/00) [2003] ECR I-1007	8.124
<i>Commission v Austria</i> (vitamins) (Case C-150/00) [2004] ECR I-3887	8.100, 8.104
<i>Commission v Belgium</i> (birds) (Case C-100/08) (judgment of 10 September 2009)	8.131, 8.136, 13.55
<i>Commission v Belgium</i> (Case 77/69) [1970] ECR 237	4.04
<i>Commission v Belgium</i> (Case 2/78) [1979] ECR 1761	7.07
<i>Commission v Belgium</i> (Case C-249/88) [1991] ECR I-1275	7.95
<i>Commission v Belgium</i> (Case C-217/99) [2000] ECR I-10251	8.89

<i>Commission v Belgium</i> (construction projects/building products) (Case C-227/06) [2008] ECR I-46	4.05, 7.56, 8.13, 8.82, 8.126
<i>Commission v Belgium</i> (fire detection systems) (Case C-254/05) [2007] ECR I-4269	7.19, 7.21, 8.13, 8.42, 8.82
<i>Commission v Belgium</i> (live cattle/imports of live animals) (Case C-304/88) [1990] ECR I-2801	7.04, 8.93, 8.134
<i>Commission v Belgium</i> (manufactured tobacco) (Case C-287/89) [1991] ECR I-2233	7.93
<i>Commission v Belgium</i> (pesticides and phytopharmaceuticals) (Case 155/82) [1983] ECR 531	7.30, 8.105
<i>Commission v Belgium</i> (radio communications equipment) (Case C-80/92) [1994] ECR I-1019	6.14, 6.100
<i>Commission v Belgium</i> (waste disposal) (Case C-2/90) [1992] ECR I-4431 ...	2.09, 2.33–2.34, 8.09, 8.192
<i>Commission v Belgium</i> (wheelchairs) (Case C-38/03) (summary of judgment of 13 January 2005)	7.86
<i>Commission v Belgium and Luxembourg</i> (Cases 90/63–91/63) [1964] ECR 625	4.12
<i>Commission v Council</i> (beef) (Case C-267/97) [2000] ECR I-2257	13.44
<i>Commission v Council</i> (Case 45/86) [1987] ECR 1493	13.58
<i>Commission v Council</i> (Case C-155/91) [1993] ECR I-939	13.67
<i>Commission v Council</i> (Case C-209/97) [1999] ECR I-8067	13.15
<i>Commission v Council</i> (Case C-281/01) [2002] ECR I-2049	13.65
<i>Commission v Council</i> (Case C-94/03) [2006] ECR I-1	13.65
<i>Commission v Council</i> (Case C-533/03) [2006] ECR I-1025	13.12
<i>Commission v Council</i> (ERTA Case) (Case 22/70) [1971] ECR 263	14.08
<i>Commission v Council</i> (mutual assistance) (Case C-338/01) [2004] ECR I-4829	13.12
<i>Commission v Council</i> (rum quotas) (Case 218/82) [1983] ECR 4063	4.14, 4.16
<i>Commission v Council</i> (Titanium Dioxide Case) (Case C-300/89) [1991] ECR I-2867	1.07, 13.13, 13.66–13.68
<i>Commission v Denmark</i> (Case 302/86) [1988] ECR 4607	8.191
<i>Commission v Denmark</i> (Case C-461/05)	10.38
<i>Commission v Denmark</i> (registration tax for cars) (Case C-47/88) [1990] ECR I-4509 ...	6.36–6.37
<i>Commission v Denmark</i> (vitamins) (Case C-192/01) [2003] ECR I-9693	8.23, 8.83, 8.85, 8.100, 14.35
<i>Commission v Finland</i> (car transfer licence) (Case C-54/05) [2007] ECR I-2473 ...	7.04, 8.11, 8.13, 8.127, 8.144
<i>Commission v Finland</i> (catering equipment) (Case C-195/04) [2007] ECR I-3351	7.60
<i>Commission v Finland</i> (duty-free imports for military equipment) (Case C-284/05) (judgment of 15 December 2009)	10.01, 10.38–10.39
<i>Commission v France</i> (alcohol advertising) (Case 152/78) [1980] ECR 2299	2.49, 6.116, 8.15, 8.119
<i>Commission v France</i> (artificial insemination) (Case 161/82) [1983] ECR 2079	12.11–12.12
<i>Commission v France</i> (Cases 6/69 and 11/69) [1969] ECR 523; [1970] CMLR 43	7.112, 10.30–10.31
<i>Commission v France</i> (Case C-263/88) [1990] ECR I-4611	3.02
<i>Commission v France</i> (credit agricole) (Case 290/83) [1985] ECR 439	4.05, 4.43–4.44
<i>Commission v France</i> (electricity and gas) (Case C-159/94) [1997] ECR I-5815	7.34, 10.08–10.09, 10.15, 12.02, 12.09, 12.15, 12.20, 12.26
<i>Commission v France</i> (export licences for potatoes) (Case 68/76) [1977] ECR 515	6.95, 7.114, 11.03
<i>Commission v France</i> (foie gras) (Case C-184/96) [1998] ECR I-6197 ...	6.23, 7.72, 8.35–8.36, 8.43, 8.160
<i>Commission v France</i> (golden shares) (Case C-483/99) [2002] ECR I-4781	8.77, 10.33
<i>Commission v France</i> (homeopathic medicines) (Case C-212/03) [2005] ECR I-4213	2.32, 6.17, 7.04, 8.23, 8.111
<i>Commission v France</i> (Italian wine) (Case 42/82) [1983] ECR 1013	7.05, 8.21, 8.26, 8.96
<i>Commission v France</i> (manufactured tobacco) (Case 90/82) [1983] ECR 2011	12.08, 12.10

<i>Commission v France</i> (marketing authorisation) (Case C-122/03) [2003] ECR I-15093	7.79
<i>Commission v France</i> (medical reagents) (Case C-55/99) [2000] ECR I-11499	8.13
<i>Commission v France</i> (merchant seamen) (Case 167/73) [1974] ECR 359	3.08, 6.14
<i>Commission v France</i> (nitrate in cheese) (Case C-344/90) [1992] ECR I-4719	8.100
<i>Commission v France</i> (pasta) (Case 202/82) [1984] ECR 933	7.105
<i>Commission v France</i> (periodicals) (Case 269/83) [1985] ECR 837	6.17
<i>Commission v France</i> (plant protection products) (Case C-201/06) [2008] ECR I-735	8.110
<i>Commission v France</i> (Positive List) (Case C-333/08) (judgment of 28 January 2010)	6.87
<i>Commission v France</i> (postal franking machines) (Case 21/84) [1985] ECR 1356	6.12, 7.21
<i>Commission v France</i> (precious metals) (Case C-84/00) [2001] ECR I-5443	7.19, 8.13, 8.164
<i>Commission v France</i> (precious metals) (Case C-166/03) [2004] ECR I-6535	6.17, 7.24
<i>Commission v France</i> (regional labels) (Case C-6/02) [2003] ECR I-2389	7.64
<i>Commission v France</i> (sheepmeat) (Case 232/78) [1979] ECR 2729	11.04
<i>Commission v France</i> (sheepmeat) (Cases 24/80R and 97/80R) [1980] ECR 1319	11.04
<i>Commission v France</i> (substitute milk powder) (Case 216/84) [1988] ECR 793	6.52, 6.63, 7.19, 8.58, 8.104, 8.150
<i>Commission v France</i> (tax benefit for newspapers) (Case 18/84) [1985] ECR 1339 ..	2.39, 6.32, 6.34
<i>Commission v France</i> (tourist guides) (Case C-154/89) [1991] ECR I-649	8.204
<i>Commission v France</i> (transit of spare parts) (Case C-23/99) [2000] ECR I-7653	2.28, 7.133, 9.27
<i>Commission v France</i> (VAT) (Case C-276/91) [1993] ECR I-4413	7.09
<i>Commission v France</i> (violent action by farmers) (Case C-265/95) [1997] ECR I-6959	1.14, 4.10, 4.36, 6.18, 6.134-6.137, 8.28, 8.54, 8.62, 8.74, 8.89, 13.121-13.122
<i>Commission v France</i> (vitamins and minerals) (Case C-24/00) [2004] ECR I-1277	8.13, 8.43, 8.100
<i>Commission v France</i> (waste oils) (Case 173/83) [1985] ECR 491	6.14
<i>Commission v France</i> (woodworking machines) (Case 188/84) [1986] ECR 419	6.50, 7.21, 8.35, 8.126
<i>Commission v Germany</i> (beer) (Case 178/84) [1988] ECR 1227	6.52, 7.69, 8.13, 8.89, 8.100, 8.150, 8.173, 8.189
<i>Commission v Germany</i> (Case 153/78) [1979] ECR 2555	8.128
<i>Commission v Germany</i> (Case 179/85) [1986] ECR 3879	7.24, 8.186
<i>Commission v Germany</i> (Case 76/86) [1989] ECR 1021	7.19, 8.58
<i>Commission v Germany</i> (Case 274/87) [1989] ECR 229	8.09, 8.104
<i>Commission v Germany</i> (Case C-51/94) [1995] ECR I-3599	8.160, 8.189
<i>Commission v Germany</i> (Case C-103/01) [2003] ECR I-5369	13.77, 13.83
<i>Commission v Germany</i> (Case C-132/05) [2008] ECR I-957	9.79
<i>Commission v Germany</i> (Case C-372/05)	10.38
<i>Commission v Germany</i> (compound feeding stuffs) (Case 28/84) [1985] ECR 3097	8.49
<i>Commission v Germany</i> (crayfish) (Case C-131/93) [1994] ECR I-3303	6.16
<i>Commission v Germany</i> (garlic capsules) (Case C-319/05) [2007] ECR I-9811	8.13, 8.23, 8.104, 8.208, 13.134
<i>Commission v Germany</i> (hospital pharmacies) (Case C-141/07) [2008] ECR I-6935	6.73, 7.50, 8.23, 8.25, 8.31, 8.125, 8.203
<i>Commission v Germany</i> (importation of pharmaceuticals by individuals) (Case C-62/90) [1992] ECR I-2575	2.32, 6.106, 8.112, 8.156
<i>Commission v Germany</i> (migrant workers) (Case 249/86) [1989] ECR 1263	6.130, 8.60
<i>Commission v Germany</i> (mineral water/bottles deposit) (Case C-463/01) [2004] ECR I-11705	6.22, 7.24, 8.32, 8.194
<i>Commission v Germany</i> (pharmaceuticals) (Case 247/81) [1984] ECR 1111	7.30, 8.105
<i>Commission v Germany</i> (phytopharmaceuticals) (Case C-114/04), 14 July 2005, unreported	8.32, 8.110
<i>Commission v Germany</i> (poultry) (Case 186/88) [1989] ECR 3997	7.05
<i>Commission v Germany</i> (quality label for domestic agricultural produce) (Case C-325/00) [2002] ECR I-9977	4.05, 4.36, 7.27, 7.61, 9.79

<i>Commission v Germany</i> (Sekt/Weinbrand) (Case 12/74) [1975] ECR 181	7.61, 8.176, 8.179, 8.181, 9.71
<i>Commission v Germany</i> (vitamins) (Case C-387/99) [2004] ECR I-3751	8.23, 8.100, 8.104
<i>Commission v Greece</i> (bananas) (Case 194/85) [1988] ECR 1037	5.11, 11.04
<i>Commission v Greece</i> (beer) (Case 176/84) [1987] ECR 1193	7.19, 8.100
<i>Commission v Greece</i> (car taxation) (Case C-132/88) [1990] ECR I-1593	6.71
<i>Commission v Greece</i> (Case 192/84) [1985] ECR 3967	6.13–6.14, 7.37
<i>Commission v Greece</i> (Case C-110/89) [1991] ECR I-2659	7.120
<i>Commission v Greece</i> (Case C-120/94) [1996] ECR I-1513	10.45–10.46, 10.49
<i>Commission v Greece</i> (Case C-331/94) [1996] ECR I-2675	3.08
<i>Commission v Greece</i> (Case C-409/05)	10.38
<i>Commission v Greece</i> (electronic games) (Case C-65/05) [2006] ECR I-10341	2.12, 2.46, 2.50, 2.56, 6.22, 6.67
<i>Commission v Greece</i> (fresh meat) (Case 124/85) [1986] ECR 3935	6.38
<i>Commission v Greece</i> (oil and petroleum monopoly) (Case C-347/88) [1990] ECR I-4747	7.34, 8.78, 12.03, 12.09, 12.11, 12.14, 12.19, 12.26
<i>Commission v Greece</i> (pasteurised butter) (Case C-205/89) [1991] ECR I-1361	1.14, 6.18, 7.08, 8.98
<i>Commission v Greece</i> (payments for imports in cash) (Case 58/83) [1984] ECR 2027	7.37
<i>Commission v Greece</i> (petroleum products) (Case C-398/98) [2001] ECR I-7915	7.53, 8.54–8.55
<i>Commission v Greece</i> (processed milk for infants) (Case C-391/92) [1995] ECR I-1621	6.64, 6.71, 7.48–7.49
<i>Commission v Greece</i> (tourist guides) (Case C-199/89) [1991] ECR I-727	8.204
<i>Commission v Ireland</i> (Buy Irish) (Case 249/81) [1982] ECR 4005	4.05, 6.10–6.11, 6.22, 6.31–6.32, 6.34, 7.26
<i>Commission v Ireland</i> (Case 113/80) [1981] ECR 1625	7.76, 8.08
<i>Commission v Ireland</i> (Case 74/82) [1984] ECR 317	5.11, 8.132
<i>Commission v Ireland</i> (Case 45/87) [1988] ECR 4929	2.40, 4.03, 7.56
<i>Commission v Ireland</i> (Case 45/87R) [1987] ECR 1369	4.03, 7.56
<i>Commission v Ireland</i> (Case C-30/99) [2001] ECR I-4619	7.24, 8.164
<i>Commission v Ireland</i> (Case C-13/00) [2002] ECR I-2943	9.08–9.09, 14.15, 14.25
<i>Commission v Ireland</i> (Cyprus potatoes) (Case 288/83) [1985] ECR 1761	2.22, 8.54
<i>Commission v Italy</i> (Agusta helicopters) (Case C-337/05) [2008] ECR I-2173	10.36, 10.40
<i>Commission v Italy</i> (batteries) (Case C-143/03) (judgment of 14 October 2004)	7.25
<i>Commission v Italy</i> (caffeine drinks) (Case C-420/01) [2003] ECR I-6445	8.100
<i>Commission v Italy</i> (Case 10/61) [1962] ECR I	1.02, 10.55–10.56, 10.60–10.61
<i>Commission v Italy</i> (Case 8/70) [1970] ECR 961	4.04
<i>Commission v Italy</i> (Case 73/79) [1980] ECR 1533	6.30
<i>Commission v Italy</i> (Case 78/82) [1983] ECR 1955	7.94, 12.03, 12.05, 12.14
<i>Commission v Italy</i> (Case 56/87) [1988] ECR 2919	7.95
<i>Commission v Italy</i> (Case C-210/89) [1990] ECR I-3697	7.71
<i>Commission v Italy</i> (Case C-235/89) [1992] ECR I-777	9.24
<i>Commission v Italy</i> (Case C-274/94) [1997] ECR I-4743	13.105
<i>Commission v Italy</i> (Case C-289/94) [1996] ECR I-4405	13.104
<i>Commission v Italy</i> (Case C-129/00) [2003] ECR I-14637	4.04
<i>Commission v Italy</i> (Case C-387/05)	10.38
<i>Commission v Italy</i> (Case C-157/06) [2008] ECR I-7313	10.36
<i>Commission v Italy</i> (Case C-239/06)	10.38
<i>Commission v Italy</i> (checks on grapefruit) (Case C-128/89) [1990] ECR I-3239	7.05, 8.24, 8.135
<i>Commission v Italy</i> (chocolate) (Case C-14/00) [2003] ECR I-513	4.16, 7.25, 7.73, 8.157
<i>Commission v Italy</i> (compulsory deposits/import deposits) (Case 95/81) [1982] ECR 2187	6.38, 7.37–7.38, 8.54
<i>Commission v Italy</i> (customs agents) (Case 159/78) [1979] ECR 3247	6.14, 8.145
<i>Commission v Italy</i> (customs agents) (Case C-35/96) [1998] ECR I-3851	6.39