

Treaty Establishing the European Union

Chapter 2: Prohibition of Quantitative Restrictions between Member States

Article 28

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Article 30

The provisions of Articles 28 and 29 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Decisions of Importance Rendered by the European Court of Justice (ECJ)

***Dassonville* (Case no. 6/74 = [1974] ECR 837)**

All trading rules enacted by member states which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade

***Cassis de Dijon* (Case no. 120/78 = [1979] ECR 649)**

'Obstacles to movement in the Community resulting from disparities between the national laws in question must be accepted in so far as those provisions may be recognised as being necessary in order to satisfy mandatory requirements relating in particular to the effectiveness of fiscal supervision, the protection of public health, the fairness of commercial transactions and the defence of the consumer'

***Keck and Mithouard* (Joined cases no. C-267/91 and C-268/91 = [1993] ECR I-6097)**

'[T]he application to products from other Member States of national provisions restricting or prohibiting certain selling arrangements is not such as to hinder directly or indirectly, actually or potentially, trade between Member States within the meaning of the *Dassonville* judgment, so long as those provisions apply to all relevant traders operating within the national territory and so long as they affect in the same manner, in law and in fact, the marketing of domestic products and of those from other Member States.'

In assessing Member States' measures, the ECJ applies the following standard:

'the presumed expectations of an average consumer who is reasonably well informed and reasonably observant and circumspect'