

Free movement of goods: Applicability of Articles 34-35 TFEU

Case C-472/14 *Canadian Oil Company Sweden AB and Anders Rantén v Riksåklagaren*, 17 March 2016. Free movement of chemicals — National notification and registration requirement having a limited effect on the free movement of those products given that the registration is not a condition for the placing on the market of such products coming from other Member States — No violation of Articles 34 TFEU and 36 TFEU.

Case C-108/13 *Mac GmbH v Ministère de l'Agriculture, de l'Agroalimentaire et de la Forêt*, 6 November 2014. Marketing authorisation – Prohibition of a parallel import of a plant protection product covered by an authorisation in the UK – Parallel import authorised inasmuch as the product has in the exporting State a marketing authorisation granted in accordance with Directive 91/414/EEC – Inconsistency with Articles 34 TFEU and 36 TFEU.

Joined cases C-204/12 to C-208/12, *Essent Belgium NV v Vlaamse Reguleringsinstantie voor de Elektriciteits - en Gasmarkt*, 11 September 2014. Article 34 TFEU - Articles 11 and 13 of the EEA Agreement - Directive 2003/54/EC - Article 3 - Justification of the MEEQR - Promotion the use of renewable energy sources – Climate change - Proportionality of the MEEQR – Necessity of the territorial limitation requirement limiting the import of electricity produced abroad in order to attain the objective promoting the use of renewable energy sources - Directive 2001/77/EC.

Case C-573/12, *Alands Vindkraft*, 1st July 2014. Swedish green certificates scheme - Examination of the compatibility of the scheme with Article 34 TFEU - Directive 2009/28/EC does not entail exhaustive harmonisation - Justification: promotion the use of renewable energy sources – Proportionality of the MEEQR – Difficulty to determine the nature of electricity once it has been allowed into the transmission or distribution system – Necessity of the territorial limitation requirement limiting the import of electricity produced abroad in order to attain the objective promoting the use of renewable energy sources – Proportionality of other features of the Swedish legislation - Annual obligation for suppliers and certain users of electricity to hold and to surrender to the competent authority a certain number of electricity certificates.

Case C-428/12, *Commission v Spain*, 3 April 2014. Complementary private goods transport - The first vehicle of the fleet of a company - Rules for obtaining the road transport authorisation – Justification: Road safety and environmental protection.

Case C-113/12, *Ragn-Sells AS v Sillamäe Linnavalitsus*, 12 December 2013. Shipment of waste - Regulation (EC) No 1013/2006 (Article 11(1)(a)) – Harmonisation of transfer procedures – No need to examine whether the national measure complies with Article 34-36 TFEU.

C-28/98, *Commission v. Austria*, 21 December 2011. Transport; traffic regulation on a motorway; air quality; free movement of goods.

C-100/08, *Commission v. Belgium*, 10 September 2009. Wildlife.

C-219/07, *Nationale Raad van Dierenkwers en Liefhebbers VZW*, 19 June 2008. Protection of birds species; Positive list; Proportionality.

C-142/05, *Åklagaren v. Percy Mickelsson Joakim Roos*, 4 June 2009. Restrictions placed on the use of watercrafts.

- C-524/07, *Commission v. Netherlands*, 11 December 2008. Emissions from vehicles; air pollution; public health.
- C-249/07, *Commission v. Netherlands*, 4 December 2008. Fish species conservation.
- C-260/06, 261/06, *Escalier and Bonnarel*, 8 November 2007. Pesticides; parallel imports; plant protection products.
- C-154 & 155/04, *Alliance for Nature Health*, 12 July 2005. Food; right to property; subsidiarity; proportionality.
- C-320/03, *Commission v. Austria*, 15 November 2005. Transport; traffic regulation on a motorway; air quality; free movement of goods.
- C-309/02, *Radlberger and Splitz*, 14 December 2004. Packaging waste; reusable packaging.
- C-463/01, *Commission v. Germany*, 14 December 2004. Packaging waste; reusable packaging.
- C-443/02, *Schreiber*, 15 July 2004. Biocidal products.
- C-112/00, *Schmidberger*, 12 June 2003. Freedom of expression and freedom of assembly; proportionality.
- C-159/00, *Sapod Audic*, 6 June 2002. Waste packaging.
- C-510/99, *Tridon*, 23 October 2001. Wildlife.
- C-379/98, *PreussenElektra*, 13 March 2001. Electricity; State aid.
- C-473/98, *Toolex*, 11 July 2000. Chemicals; workers safety; principle of substitution.
- C-318/98, *Fornasar*, 22 June 2000. Hazardous waste (scope)
- C-209/98, *Entreprenorforeningens Affalds/Miljosektion-Kobenhavns Kommune*, 23 May 2000. Right to collect building waste; competition law; SGEI.
- C-67/97, *Bluhme*, 3 December 1998. Health and life of animals' protection.
- C-400/96, *Jean Harpegnies*, 17 September 1998. Plant Protection products.
- C-389/96, *Aher-Waggon*, 14 July 1998. Aircraft registration.
- C-341/95, *Bettati*, 14 July 1998. Ozone layer.
- C-284/95, *Safety Hi-Tech*, 14 July 1998. Ozone layer.
- C-203/96, *Dusseldorp*, 25 June 1998. Waste for recovery.
- C-34, 35, 36/95, *De Agostini and TV-Shop*, 9 July 1997. Television broadcasting; consumers protection.
- C-149/94, *Didier Vergy*, 8 February 1996. Wild birds conservation.
- C-379/92, *Peralta*, 14 July 1994. Maritime transport.

- C-131/93, *Commission v. Germany*, 13 July 1994. Freshwater crayfish.
- C-2/90, *Commission v. Belgium*, 9 July 1992. Tipping waste.
- C-3/91, *Exportur*, 10 November 1992. Franco-Spanish Convention; protection of indications of provenance and designations of origin.
- C-169/89, *Van den Burg*, 23 May 1990. Wild birds conservation.
- C-302/88, *Commission v. Denmark*. Exportation of petroleum products.
- C-118/86, *Nertsvoederfabriek Nederland*, 6 October 1987. Poultry offal.
- C-54/85, *Mirepoix*, 13 March 1986. Pesticides.
- C-240/83, *Procureur de la République v. ADBHU*, 7 February 1985. Waste oils.
- C-172/82, *Inter-Huiles*, 10 March 1983. Waste oils.
- C-272/80, *Biologische produkten*, 17 December 1981. Plant Protection Product.
- C-251/78, *Denkavit Futtermittel*, 8 November 1979. Health protection.
- C-3, 4 & 6/76, *Kramer*, 14 July 1976. Sea-fishing.

Extra-territorial dimension of the exceptions to the free movement of goods

- C-297/08, *Commission v. Italy*, 4 March 2010. Waste management
- C-277/02, *EU-Wood-Trading GmbH*, 16 December 2004. Waste shipments
- C-324/99, *DaimlerChrysler*, 13 December 2001. Waste shipments
- C-379/98, *PreussenElektra*, 13 March 2001. Renewable electricity; State aid
- C-203/96, *Dusseldorp*, 25 June 1998. Waste for recovery
- C-37/92, *Vanacker*, 12 October 1993. Waste oil
- C-169/89, *Van den Burg*, 23 May 1990. Birds importation
- C-118/86, *Nertsvoederfabriek Nederland*, 6 October 1987. Poultry offal
- C-240/83, *Procureur de la République v. ADBHU*, 7 February 1985. Waste oil
- C-295/82, *Rhône-Alpes Huiles*, 9 February 1984. Waste oil
- C-172/82, *Inter-Huiles*, 10 March 1983. Waste oil

General Court

- T-57/11, *Castelnou Energía, SL v European Commission*, 3 December 2014. State Aids - Electricity Production - Compensation of supplementary production costs – Public service obligation to produce electricity quotas from “indigenous” coal – Service of general economic interest– Security of supply – Article 11(4) of Directive 2003/54/CE concerning common rules

for the internal market in electricity – Development of “indigenous” supply sources –
Fragmentation of the internal market - Free movement of goods -