

Case C-120/78 Cassis de Dijon [1979]

Facts: Rewe requested authorization to the German Monopoly Administration for Spirits to import from France the liqueur “Cassis de Dijon”, containing 15 to 20% by volume of alcohol. The Administration referred that, while no authorization was needed, the liqueur could not be sold in Germany because according to the German Law on the Monopoly in Spirits only spirits with wine-spirit content of at least 32% could be marketed. Rewe brought an action against that decision. In connection with these proceedings, the relevant German Court referred for a preliminary ruling whether the measure could be considered as having an effect equivalent to quantitative restrictions on imports as per Article 30 of the EEC Treaty.

Held: In the absence of common rules, it is for the Member States to regulate all matters relating to the production and marketing of alcoholic beverages on their own territory. Obstacles to movement resulting from disparities between the national laws must be accepted in so far as those provisions are necessary to satisfy mandatory requirements relating to the effectiveness of fiscal supervision, the protection of public health, the fairness of commercial transaction and the defence of the consumer. Germany based the justification of the measure on the protection of public health (alcoholic beverages with a low alcohol content may more easily induce a tolerance towards alcohol) and on the protection of the consumer against unfair commercial practices. However, there was a wide range of weakly alcoholic products on the market, and fairness of commercial transactions could be secured by requiring the display of an indication of origin and of the alcohol content on the packaging of products. Therefore, these requirements do not serve a purpose which is in the general interest as to take precedence over the requirements of the free movement of goods, and constitute an obstacle to trade incompatible with the provisions of Article 30 of the EEC Treaty. There is no valid reason why, provided that they have been lawfully produced and marketed in one of the Member States, alcoholic beverages should not be introduced into any other Member State, and its sale should not be subject to a legal prohibition on the marketing of beverages with an alcohol content lower than the limit set by the national rules.