

### **Case C-148/78 Ratti [1979]**

**Facts:** Ratti represented an undertaking that decided to package its solvents and to affix to the container labels conforming to two Directives not yet incorporated into the Italian legal system, one of them because Italy had not fulfilled its obligation of incorporation on time, the other one because the period prescribed for its incorporation had not yet expired. Ratti was prosecuted for an infringement of the Italian Law, which was in some aspects more stringent, and in others less stringent, than these Directives. In connection with these proceedings, the Criminal Chamber referred for a preliminary ruling several questions on the interpretation of these Directives.

**Held:** After the expiration of the period fixed for the implementation of a directive, a Member State may not apply its internal law, not yet adapted in compliance with the directive, to a person who has complied with the requirements of the directive. According to the provisions of this Directive, only solvents which comply with its provisions may be placed on the market, and Member States are not entitled to maintain, parallel with the directive rules for imports, different rules for the domestic market. It is not permissible for national provisions to prescribe that containers shall describe the presence of ingredients in terms going beyond those laid down by this Directive. Article 36 of the Treaty permits exceptions to the free movement of goods if justified on grounds of public security or the protection of health and life of humans and animals. But recourse to this article ceases to be justified when, pursuant to Article 100 of the Treaty, Community directives provide for the harmonization of measures necessary to ensure the protection of the health of humans and animals, and controls and protective measures must then be taken in accordance with the scheme laid down in the harmonizing directive. The relevant Directive provides that where a Member State established that a dangerous preparation, although satisfying the requirements of that directive, presents a health or safety risk, it may have temporary recourse to a protective measure provided for in Article 9 of the directive. Therefore, national provisions going beyond those laid down in the Directive are compatible with Community law only if they have been adopted in accordance with Article 9 of the Directive. With regards to the directive whose period for implementation had not yet expired, since a directive by its nature imposes obligations only on Member States, it is not possible for an individual to plead the principle of “legitimate expectation”, or any effect capable of being taken into consideration by national courts, before the expiry of the period prescribed for its implementation.