I'm not a robot



Article 56 tfue

Under European Union (EU) law, a service is defined as a transaction which is provided in exchange for money and which it is provided in exchange for money and which it is provided in exchange for m nationals of EU Member States who are established in a Member State other than that of the person for whom the service are intended. With some exceptions (mentioned under Articles 51, 52 and 346 TFEU), the person providing the service may temporarily carry out their activity in the Member State where the service is provided, under the same conditions as those imposed by that Member State on its own nationals. The EU's services, directive (Directive 2006/123/EC) sets out rules governing the vast majority of services, with the exception of financial services, certain electronic communications services, temporary work agencies' services, private security services and gambling. It allows businesses to be set up and to provide services in Member States other than their own. The directive requires Member States to remove obstacles for users wanting to use services supplied by providers set up in another Member State, such as obligations to obtain an authorisation; abolish discriminatory requirements based on the user's nationality or place of residence; make available general information and assistance on legal requirements, in particular consumer protection rules, and on compensation procedures applicable in other Member States. Article 53 TFEU provides for the adoption of diplomas and other qualifications required in each Member State for access to regulated professions. SEE ALSO Under European Union (EU) law, a service is defined as a transaction which is provided in exchange for money and which is not governed by the rules relating to freedom of movement for goods, capital and persons. Article 56 of the Treaty on the Functioning of the European Union (TFEU) prohibits restrictions on providing services in respect of nationals of EU Member States who are established in a Member State other than that of the person for whom the service are intended. With some exceptions (mentioned under Articles 51, 52 and 346 TFEU), the person provided, under the service may temporarily carry out their activity in the Member State where the service is provided, under the same conditions as those imposed by that Member State on its own nationals. The EU's services directive (Directive 2006/123/EC) sets out rules governing the vast majority of services, temporary work agencies' services, private security services and gambling. It allows businesses to be set up and to provide services in Member States other than their own. The directive requires Member States to remove unjustifiable or discriminatory requires Member States to: remove obstacles for users wanting to use services supplied by providers set up in another Member State, such as obligations to obtain an authorisation; abolish discriminatory requirements based on the user's nationality or place of residence; make available general information and assistance on legal requirements, in particular consumer protection rules, and on compensation procedures applicable in other Member States. Article 53 TFEU provides for the adoption of diplomas and other qualifications required in each Member State for access to regulated professions. SEE ALSO Treaty on the Functioning of the European Union Treaty on the Functioning of the European Union (TFEU) European Union (TFEU) European Union Treaty, the Treaty of Rome or the Treaty of Rome or the Treaty of Rome or the European Union. For further details, see Practice note, The European Union after the Treaty of Lisbon (www.practicallaw.com/2-381-1190). Glossary European Central Bank (ECB) Practical Law Dictionary. Glossary European Union after the Treaty of Lisbon (www.practicallaw.com/2-381-1190). Glossary European Union after the Treaty of Lisbon (www.practicallaw.com/2-381-1190). professional mobility within the EU. The complete implementation of the Services Directive is crucial for solidifying the internal market, but obstacles still persist. The COVID-19 pandemic added new challenges. In response, the European Parliament passed a resolution in February 2022, outlining how economic recovery after COVID-19 can best mitigate the negative effects on these vital freedoms. Legal basis Articles 26 (internal market), 49 to 55 (establishment) and 56 to 62 (services) of the Treaty on the Functioning of Article 54 TFEU who are legally operating in one Member State may: (i) carry out an economic activity in a stable and continuous way in another Member States on a temporary basis while remaining in their country of origin (freedom to provide services: Article 56 TFEU). This implies eliminating discrimination on the grounds of nationality and, if these freedoms are to be used effectively, the adoption of measures to make it easier to exercise them, including the harmonisation of national access rules or their mutual recognition (2.1.6). Achievements A. Liberalisation in the Treaty 1. 'Fundamental freedoms' The right of establishment includes the right to take up and pursue activities as a self-employed person, and to set up and manage undertakings, for a permanent activity of a stable and continuous nature, under the same conditions as those laid down by the law of the Member State concerned regarding establishment for its own nationals. Freedom to provide services applies to all services normally provided for remuneration, insofar as they are not governed by the provisions relating to the freedom of movement of goods, capital and persons. The person provided, under the same conditions as are imposed by that Member State on its own nationals. 2. The exceptions Under the TFEU, activities connected with the exercise of official authority are excluded from freedom of establishment and provision of services (Article 51 TFEU). specific activities and functions which imply the exercise of official authority, or if the exercise of official authority is dedicated to the exercise of public authority is inseparable from the rest. Exceptions enable Member States to exclude the production of or trade in war material (Article 346(1)(b) TFEU) and to retain rules for non-nationals in respect of public policy, public security or public health (Article 52(1)). B. Services Directive 2006/123/EC) strengthens the freedom to provide services within the EU. This directive is crucial for the completion of the internal market, since it has huge potential for delivering benefits to consumers and SMEs. The aim is to create an open single market in services within the EU, while at the same time ensuring the quality of services provided to consumers. According to the Commission communication entitled 'Europe 2020 - A strategy for smart, sustainable and inclusive growth', the full implementation of the Services Directive could increase trade in commercial services by 45% and foreign direct investment by 25%, bringing an increase of between 0.5% and 1.5% in GDP. The directive contributes to administrative and regulatory simplification and modernisation. This is achieved not only through the screening of the existing legislation and the adoption and amendment of relevant legislation, but also through long-term projects (setting up the Points of Single Contact and ensuring administrative cooperation). The implementation of this directive has been significantly delayed. While initial reforms led to the removal of numerous barriers in the single market for services, momentum has waned since 2012. The reform efforts have decelerated, with meaningful progress mostly seen in Member States that are either receiving financial assistance or those with comprehensive national reform agendas. The Commission acknowledged these delays but did not consider it necessary to amend the directive. Instead, it is focused on ensuring that the directive achieves its full benefits through enforcement to invigorate the services sector and address the remaining implementation gaps. Role of the European Parliament played a key role in liberalising self-employed activities, ensuring that the directive achieves its full benefits through enforcement to invigorate the services sector and address the remaining implementation gaps. Role of the European Parliament played a key role in liberalising self-employed activities, ensuring that the directive achieves its full benefits through enforcement to invigorate the services sector and address the remaining implementation gaps. reserved for nationals. It also took the Council to the Council to the Council to the Council to be at fault for not ensuring free international transport services, in violation of the Treaty of Rome. Consequently, the Council had to adopt relevant laws. Parliament's role has expanded with the application of the co-decision and ordinary legislative procedures concerning freedom of establishment and service provision. Parliament has also been integral to the adoption and monitoring of the Services Directive, urging Member States to comply with and properly execute its provisions. It passed a resolution on 15 February 2011 regarding the directive's implementation and another on 25 October 2011 concerning its mutual evaluation process. After a Commission communication in June 2012, Parliament's IMCO Committee produced a report on the status and future of the internal market for services, which the plenary adopted on 11 September 2013. On 7 February 2013, Parliament also adopted a resolution with recommendations to the fundamental character of the freedom to provide services, and the benefits of full implementation of the Services Directive. Parliament has been actively involved, as a full co-legislator, in the adoption of new legislation dealing with services, insurance services, and transport services, and transport services, and transport services, insurance services, insurance services, insurance services, and transport services, insurance services, insurance services, and transport services. and mortgage credit with Directive 2014/17/EU. The Mortgage Credit Directive enforces consumer protection and ensures informed financial capability. The Directive (Directive (Directive (EU) 2023/2225) addresses the significant changes that the consumer credit market has experienced following the digital transformation. Parliament also tackled package travel through a March 2014 resolution. In 2019, Parliament addressed accessibility requirements (Directive (EU) 2019/882) to support citizens with disabilities. To bolster this, a resolution in October 2022 proposed an Accessible EU Centre to unify accessibility experts and professionals. A 2019 study [1] revealed that EU legislation on the free movement of services, including in professional services, and EUR 20 billion from public procurement services. Another study[2] similarly shows that the services sector, which represents 24% of intra-EU trade (up from 20% since the early 2000s) and contributes 78% to the EU's gross added value, is pivotal for growth. However, the study also identified regulatory diversity and informational challenges as factors that increase business costs and impede the free movement of services and the freedom of establishment within the EU. In its 17 April 2020 resolution, Parliament recognised the single market as pivotal for Europe's prosperity and crucial in responding to COVID-19. Additionally, in its 19 June 2020 resolution, it stressed the significance of the Schengen area to the EU and urged the Member States to ease movement restrictions and work towards full Schengen integration. On 25 November 2020, Parliament adopted a resolution entitled 'Towards a more sustainable single market for business and consumers', which focuses on different policy areas, in particular the area of consumer protection and business's participation in the green transition (key to enhancing the sustainability of the single market). At the request of the IMCO Committee, the Policies of Parliament's Directorate-General for Internal Policies published a briefing entitled "The European Services Sector and the Green Transition', which contributed to this resolution. On 20 January 2021, Parliament adopted a resolution underlines the enforcement action of the Commission. It stresses the need to evaluate the level of implementation of the EU legal framework for services and to empower companies by providing them with better access to information. The COVID-19 pandemic led to reinstated restrictions that affected free movement within the EU's single market, including the services sector. A webinar[3] held on 9 November 2020 by the Policy Department for Economic, Scientific and Quality of Life Policies examined the pandemic's impact, predicting significant future changes in service demand and supply due to technological progress and altered consumer habits. A study presented to the IMCO Committee in February 2021[4] highlighted that although initial border closures disrupted cross-border professional services, the adoption of digital tools facilitated a return to some level of normalcy. The Parliament's resolution of 17 February 2022 on tackling non-tariff and non-tax barriers in the single market addressed the generally persisting barriers to the freedom of goods and freedom to engendered by COVID-19 restrictions. For more information on this topic, please see the website of the Committee on Internal Market and Consumer Protection. [1] Pelkmans, J., Contribution to growth: The Single Market and Consumer Protection for the Committee on the Internal Market and Consumer Protection. Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2019. [2] Dahlberg, E. et al., Legal obstacles in Member States to Single Market rules, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and European Parliament, Luxembourg, 2020. [4]Marcus, J. S. et al., The impact of COVID-19 on the Internal Market, Publication for the Committee on the Internal Market and Consumer Protection, Policy Department for Economic, Scientific and Quality of Life Policies, European Parliament, Luxembourg, 2021. Costanza Pierdonati / Maxim Hauk / Christina Ratcliff / Barbara Martinello 04-2025 Testez Doctrine gratuitOu connectez-vous à votre compte. Le monde a changé. L'analyse juridique telle que vous la connaissiez ne fonctionne plus. Rejoignez les milliers d'avocats et juristes qui construisent sereinement les stratégies juridiques les plus solides avec Doctrine. Maîtrise de l'environnement juridique Anticipation des risques et opportunités TRAVAILLENT AVEC LES MEILLEURES TECHNOLOGIES Doctrine est une meilleure source d'informations que le client lui même. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. C'est un must-have, pas un simple accessoire.Doctrine est un accélérateur de travail qui rend l'avocat plus performant. have, pas un simple accessoire. Doctrine n'est pas un simple outil de recherche, c'est un outil stratégique. Vous n'êtes pas convaincu? Consulter la page sans compte Share — copy and redistribute the material in any medium or format for any purpose, even commercially. Adapt — remix, transform, and build upon the material for any purpose, even remix, transform, or build upon the material, you must distribute your contributions under the same license as the original. No additional restrictions — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits. You do not have to comply with the license for elements of the material in the public domain or where your use is permitted by an applicable exception or limitation . No warranties are given. The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material. Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE IV: FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL - Chapter 3: Services - Article 49 TEC) OJ C 115, 9.5.2008, p. 70-70 (BG, ES, CS, DA, DE, ET, EL, EN, FR, GA, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV) In force ELI: Consolidated version of the Treaty on the Functioning of the European Union - PART THREE: UNION POLICIES AND INTERNAL ACTIONS - TITLE IV: FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL - Chapter 3: Services - Article 49 TEC) Official Journal 115, 09/05/2008 P. 0070 - 0070 Article 56(ex Article 49 TEC) Crédits : SolisImages / iStock Plusieurs articles du traité sur le fonctionnement de l'Union européenne (TFUE) constituent la base juridique de la libre circulation des prestations de services et la liberté d'établissement. L'article 26 dispose que l'UE adopte des mesures destinées à établir et assurer le fonctionnement du marché intérieur, dont la libre circulation des services ;Les articles 49 à 55 décrivent la liberté d'établissement ;Les articles 56 à 62 décrivent la liberté de circulation des prestations de services à l'intérieur de l'Union sont interdites à l'égard des ressortissants des Etats membres établis dans un Etat membre autre que celui du destinataire de la prestation". Autrement dit, les personnes physiques ou morales (commerçants, artisans, sociétés, etc.) légalement établies dans un Etat membre ont le droit d'offrir des services dans un autre Etat membre. En conséquence, toutes les discriminations directes ou indirectes et non justifiées par des raisons d'intérêt général (ordre public, sécurité publique, santé publique comme la protection des travailleurs ou des consommateurs) doivent être supprimées. Notamment celles liées à la nationalité, au lieu d'établissement du prestataire, ainsi que toute mesure qui empêcherait, gênerait ou dissuaderait l'exercice de l'activité. Sont concernées les activités telles que l'industrie, le commerce, l'artisanat ainsi que les professions libérales. Pour être considérée comme une prestation de services au regard du droit européen, l'activité doit par ailleurs : Ne pas être régie par les dispositions relatives à la libre circulation des marchandises, des capitaux ou des personnes (art. 57 TFUE) ;Être limitée dans le temps, temporaire ;Ne pas être fournie à titre gratuit. Elle doit donc être exercée contre paiement, mais sans forcément un but lucratif ;Comporter une forme d'extranéité, autrement dit un franchissement physique de frontière. Au regard de cette dernière condition, la libre prestation des services s'applique donc : Lorsque le prestataire se rend dans un pays différent de celui où il est établi pour fournir un service ;Lorsque le bénéficiaire et le prestataire se rendent dans un autre Etat membre doit se soumettre aux mêmes conditions que celles imposées aux autres ressortissants de ce même Etat membre. Autrement dit, cette liberté signifie que n'importe quelle société européenne peut exercer une prestation de services d'intérê général (services sociaux, services financiers, soins de santé, etc.) sont exclus de ces dispositions, selon la directive "Services" de 2006 (cf. ci-dessous). Cela permet de maintenir un régime propre aux non-nationaux. Dans le cadre de la libre circulation des prestations de service, l'entreprise peut développer son activité dans un autre pays membre quitte à avoir besoin d'acheter des biens immobiliers. Dans le cas où l'entreprise décide de s'installer dans un autre pays, elle bénéficie alors de la liberté d'établissement. De ce fait, la liberté d'établissement correspond au droit, pour un prestataire de services, de s'installer dans un autre pays que l'Etat membre d'origine ou dans lequel il est initialement établi. Il peut ainsi exercer son activité permanente au sein du marché unique. Le pays d'accueil a la possibilité de refuser une autorisation à un prestataire de service demandeur sous certaines conditions (cf. ci-dessous). La liberté de prestation des services est fondée sur le principe de la reconnaissance mutuelle : si un service est autorisé dans un Etat membre, il doit pouvoir être offert à tous les citoyens européens. Cependant, il existe un grand nombre d'obstacles qui empêcheraient certains prestataires, comme les PME, de se développer au-delà des frontières nationales et de bénéficier du marché intérieur. En 2019, les services transfrontières ne représentaient que 24 % des échanges au sein de l'UE, contre 76 % pour les biens, ce qui témoigne de l'existence d'obstacles persistants selon une étude du Parlement européen. Durant la crise sanitaire liée au Covid-19, les confinements et les restrictions temporaires aux frontières intra-européennes ont mis à mal ces libertés au sein de l'UE. Au-delà de cette situation exceptionnelle, parmi les obstacles à la libre circulation transfrontalière des services, on trouve notamment des barrières administratives, l'insécurité juridique ou encore des problèmes d'accès à l'information dans un autre Etat membre. La réglementation de certaines professions, comme les notaires ou les architectes, peut parfois entraver les libertés de prestation ou d'établissement de professionnels étrangers. L'efficacité de telles libertés de prestation ou d'établissement de professionnels étrangers. L'efficacité de telles libertés de prestation ou d'établissement de professionnels étrangers. services. Une harmonisation qui progresse lentement car les réglementations sont très différentes et touchent de nombreuses professions. Cette libre circulation des services était apparue comme une question centrale durant la Commission Juncker, dont l'une des 10 priorités était de mettre en œuvre un "marché unique numérique", à l'heure où la numérisation des prestations de services gagnait en importance. A cet égard, un règlement européen a interdit le "géoblocage". Depuis le 3 décembre 2018, il est possible d'acheter en ligne des biens et des services à un professionnel basé dans un autre Etat membre de l'UE dans les mêmes conditions que des clients domiciliés dans ce pays. Un hébergeur belge de sites internet ne peut pas, par exemple, faire payer plus cher les ressortissants étrangers, et les paiements par carte bancaire dans un autre pays de l'UE ne sont plus surtaxés. Pour remédier aux obstacles au marché intérieur des services, les Etats membres ont notamment adopté en 2006 la directive dite "Services" et surnommée directive "Bolkestein", du nom du commissaire européen au Marché intérieur qui l'a présentée. Selon ce texte législatif, il est impératif d'avoir un marché des services concurrentiel pour favoriser la croissance économique et la création d'emplois dans l'UE. Celle-ci vise donc à "établir les dispositions générales permettant de faciliter l'exercice de la liberté d'établissement des prestataires ainsi que la libre circulation des services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services, tout en garantissant un niveau de qualité élevé pour les services de services pour les services de services de la figure de la législation de le le législation de le le législa existante pour assurer une meilleure coopération administrative. La directive stipule que : Pour la liberté d'établissement des prestataires : Le refus de l'autorisation par le pays d'accueil doit être "non discriminatoire", justifié par une raison "d'ordre public, de sécurité publique, de santé publique ou de protection de la santé de l'environnement" et "proportionnelles".L'autorisation doit permettre au prestataire étranger d'exercer sur l'ensemble du territoire de l'Etat d'accueil. Elle doit, sauf exception, être illimitée.Pour la liberté de circulation des services : Les Etats membres respectent le droit des prestataires de fournir des services dans un autre pays. Pour interdire cette prestation, la justification doit être non-discriminatoire et justifiée par des raisons d'ordre publique ou de santé publique. La directive requiert également que les Etats membres doivent notifier toute nouvelle législation dans le secteur des services à la Commission pour que celle-ci confirme sa compatibilité avec la directive. La directive mentionnait initialement le "principe du pays d'origine. A l'époque, cet article a fait l'objet d'un intense débat : les opposants ont considéré qu'une telle mesure favoriserait le dumping social, un argument interprété comme protectionniste de la part des députés d'Europe de l'Est. Ce dispositif a été abandonné après un vote en première lecture du Parlement européen en 2005. Selon un rapport de la Commission publié en avril 2021, "l'évolution globale des obstacles aux services entre 2006 et 2017 peut être caractérisée par une légère diminution du niveau absolu des obstacles dans presque tous les secteurs". Il existe actuellement un certain nombre d'instruments visant à garantir la circulation des services, en particulier pour aider les PME à s'exporter. Cela comprend le portail "L'Europe est à vous", sur lequel les Européens peuvent consulter leurs droits dans un autre Etat membre. Parmi d'autres outils, il existe également la plateforme SOLVIT, une solution numérique pour faire respecter ses droits au sein de l'UE. You are here: European Union Treaties TEECPART THREETITLE IVCHAPTER 3 Article 56Within the framework of the provisions set out below, restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may extend the provisions of the Chapter to nationals of a third country who provide services and who are established within the Union. Back to topPrint OptionsYou have chosen to open The Whole TreatyThe Who time to run. Would you like to continue? 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Dependent on the legislation item being viewed this may include: the original print PDF of the as adopted version that was used for the print copycorrection slipsClick 'View More' or select 'More Resources' tab for additional information including:lists of changes made by and/or affecting this legislation and further information resources 1. Hatzopoulos (2012), p. 21.2. Kotzur, in Geiger et al. (2015), Article 57 TFEU, para 8.3. If an undertaking has its registered office or seat situated within the EU but its central administration or principal place of business are outside the EU, according to the 1962 General Programme on Services the requirement regarding establishment would be fulfilled if its activities show 'a real and continuous link with the economy of a Member State; such link shall not be one of nationality, whether of the company or firm, or of the persons holding managerial or supervisory posts therein, or of the holders of the capital', General Programme for the abolition of restrictions on freedom to provide services O.J. 2/32 (1962), English special edition, Series II, Volume IX, p. 3 (1974).4.Case 36/74, Walrave and Koch (ECJ 12 December 1974) para 23 where the CJEU states that activities 'performed outside the ties of a contract of employment' are deemed to be self-employed.5. Joined Cases C-317/01 and C-369/01, Abatay and Others (ECJ 21 October 2003) para 106.6. Case C-290/04, FKP Scorpio (ECJ 3 October 2006) para 67.7. Case C-290/04, FKP Scorpio (ECJ 3 October 2006) para 68.8. Proposal for a Council Directive extending the freedom to provide cross-border services to third-country nationals established within the Community, COM(1999) 3.9. Kotzur, in Geiger et al. (2015), Article 57 AEUV, para 9.10.11. Joined Cases 286/82 and 26/83, Luisi and Carbone (ECJ 31 January 1984) para 10 and 16.12.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-180/89, Commission v Italy (ECJ 26 February 1991) para 10; Case C-158/96, Kohll (ECJ 27 February 1991) para 10; Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 27 February 1991) para 10; Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case C-158/96, Kohll (ECJ 28 April 1998).13.Truchot, in Pingel (2010), Article 49 CE para 9.14.Case Case C-198/89 Commission v Greece (ECJ 26 February 1991) para 11.16.Case 352/85, Bond van Adverteerders and Others (ECJ 10 May 1995) para 29-31.18.Case C-243/01, Gambelli and Others (ECJ 6 November 2003) para 53-54.19.Joined cases C-29/94, C-30/94, C-31/94, C-31/9 32/94, C-33/94, C-34/94 and C-35/94, Aubertin (ECJ 16 February 1995) para 42; Case C-97/98, Jägerskiöld (ECJ 21 October 1999) para 42; Case C-245/09, Omalet (ECJ 22 December 2010) para 42; Case C-384/93, Alpine Investments (ECJ 10 May 1995) para 29-31.22. Case C-60/00, Carpenter (ECJ 10 May 1995) para 42; Case C-384/93, Alpine Investments (ECJ 10 May 1995) para 42; Case C-384/93, Alpine Investmen 11 July 2002) para 39.23. Joined Cases C-51/96 and C-191/97, Deliège (ECJ 11 April 2000) para 47.24. Case C-341/05, Laval (ECJ 18 December 2007), para 98.25. General Programme for the abolition of restrictions on freedom to provide services O.J. 2/32 (1962), English special edition, Series II, Volume IX, p. 3 (1974). 26. Case 33/74, Van Binsbergen (ECJ 3 December 1974) para 21.27.28.Article 4.2 of Council Directive 73/148/EEC.29.Case 33/74, Van Binsbergen (ECJ 3 December 1974) para 27.30.31.Marenco (1991), p. 437.32.Craig and De Búrca (2015), p. 795.33.Case 33/74, Van Binsbergen (ECJ 3 December 1974) para 10 and 11.34.Case C-288/89, Gouda (ECJ 25 July 1991) para 10.35.Weiss and Kaupa (2014), p. 252.36.Hatzopoulos (2012), p. 110.37.Evering (1984), p. 9; Martin (1998), p. 562.38.Case 36/74, Walrave (ECJ 12 December 1974) para 6; Case 90/76, Van Ameyde (ECJ 9 June 1977) para 29; Case 15/78, Koestler (ECJ 24 October 1978) para 5; Case 52/79, Debauve (18 March 1980) para 13.39. Hatzopoulos (2012), pp. 110-111.40. Case C-288/89, Gouda (ECJ 25 July 1991) para 11.41. Enchelmaier (2011), p. 619, who considers the case law on this point as a "bewildering variety of approaches". 42. Marenco (1991), p. 111; Evering (1984), p. 9; Martin (1998), p. 562.43. Barnard (2016), p. 307; Weiss and Kaupa (2014), p. 253; Hatzopoulos (2012), p. 103; Segura Serrano (2003), p. 133.44.Case 33/74, Van Binsbergen (ECJ 3 December 1974) para 10.45.46.Joined Cases 110/78 and 111/78, Van Wesemael (ECJ 18 January 1979); Case 279/80, Webb (ECJ 17 December 1981) para 17; the "insurance" cases: Case 220/83, Commission v France (ECJ 4 December 1986); Case 252/83, Commission v Denmark (ECJ 4 December 1986); Case C-205/84, Commission v Ireland (ECJ 4 December 1986); Case C-154/89, Commission v France (ECJ 26 February 1991); Case C-180/89, Commission v Ireland (ECJ 4 December 1986); Case C-198/89 Commission v Greece (ECJ 26 February 1991). 48.Case C-76/90, Säger (ECJ 25 July 1991); Case C-353/89, Commission v Netherlands ("Mediawet") (ECJ 25 July 1991); Case C-288/89, Gouda (ECJ 25 July 1991); Case C-288/89, Commission v Netherlands ("Mediawet") (ECJ 25 July 1991); Case C-288/89, Commission v Netherlands ("Mediawet") (ECJ 25 July 1991); Case C-288/89, Gouda (ECJ 25 July 1991); Case C-353/89, Commission v Netherlands ("Mediawet") (ECJ 25 July 1991); Case C-36/90, Säger (ECJ communication concerning the free movement of services across frontiers, O.J. C 334/03 (1993), p. 4.53.54.Case C-341/05, Laval (18 December 2006) para 57.56.Joined Cases C-544/03 and C-545/03, Mobistar (ECJ 8 September 2005) para 31.57.Case C-475/11, Kostas Konstantinides (ECJ 12 September 2013) para 47.58. Schütze (2015), p. 641; Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Kaupa (2014), p. 255.59. Case C-62/81, Seco (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 11 July 1974).61. Weiss and Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. Case 8/74, Dassonville (ECJ 3 February 1982) para 14.60. 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Case C-518/06, Commission v Italy, "Motor Insurance" (ECJ 28 April 2009) para 66-69.74.75.Barnard and Peers (2014), p. 417.76.Segura Serrano (2003), p. 140.77.Hatzopoulos (1998), p. 140.77.Hatzopoulos (1998), p. 140.77.Hatzopoulos (1998), p. 140.77.Hatzopoulos (1998), p. 51-57.79.Case 33/74, Van Binsbergen (ECJ 3 December 1974) para 12.80.Case 120/78, Rewe (ECJ 20 February 1979) para 8.81.82.Case 39/75, Coenen (ECJ 18 January 1979) para 28.83.Case 220/83, Webb (ECJ 17 December 1981) para 17; Joined Cases 110/78 and 111/78, Van Wesemael (ECJ 18 January 1979) para 28.83.Case 220/83, Commission v France (ECJ 4 December 1986); Case C-205/84, Commission v Germany (ECJ 4 December 1986); Case C-180/89, Commission v Ireland (ECJ 4 December 1986); and Case 206/84 Commission v Ireland (ECJ 4 December 1986); Case C-180/89, Commission v Ireland (ECJ 4 December 198 26 February 1991) para 20; Case C-198/89 Commission v Greece (ECJ 25 July 1991) para 12.85.Case C-76/90, Säger (ECJ 25 July 1991) para 13.87.Case C-76/90, Säger (ECJ 25 July 1991) para 15.88.Case C-76/90, Säger (ECJ 25 July 1991) para 15.88.Case C-76/90, Säger (ECJ 25 July 1991) para 16.86.Case C-76/90, Säger (ECJ 25 July 1991) para 17.88.Case C-76/90, Säger (ECJ 25 July 1991) para 18.87.Case C-76/90, Säger (ECJ 25 July 1991) para 18.87.Case C-76/90, Säger (ECJ 25 July 1991) para 18.87.Case C-76/90, Säger (ECJ 25 July 1991) para 19.88.Case 55/94, Gebhard (ECJ 30 November 1995) para 37-38.89.Lenaerts (1991), p. 3; Marenco (1991), p. 128; Garrone (1994), p. 427.90.Hatzopoulos (1998), p. 198.91.Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 18 June 1991) para 24; Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 18 June 1991) para 24; Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 18 June 1991) para 24; Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 18 June 1991) para 24; Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 18 June 1991) para 24; Case C-2/90, Commission v Belgium (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 July 1992).92.Case 352/85, Bond van Adverteerders and Others (ECJ 9 Ju C-288/89, Gouda (ECJ 25 July 1991) para 11; Case C-353/89, Commission v Netherlands ("Mediawet") (ECJ 16 January 2003) para 15; Case C-153/08, Commission v Spain ("Gambling Tax") (ECJ 6 October 2009) para 37; and Case C-347/09, Dickinger (ECJ 15 September 2011) para 79.93. This case law is known as that on "tax system coherence" and the most emblematic cases were Case C-204/90, Bachmann (ECJ 28 January 1992). See Hinojosa Martínez (1997), p. 511.94. See the early saga on gambling: Case C-275/92, Schindler (ECJ 24 March 1994) para 47-52; Case C-124/97, Läärä (ECJ 21 September 1999) para 28; and Case C-67/98, Zenatti (ECJ 21 October 1999) para 26.95. Case C-222/95, Parodi (ECJ 21 October 1999) para 27-52; Case C-222/95, Parodi (ECJ 21 October 1999) para 28; and Case C-493/99, Commission v Germany (ECJ 25 October 1991) para 19.96. Case C-250/95, Futura (ECJ 15 May 1997) Case C-118/96, Safir (ECJ 28 April 1998); and Case C-158/96, Kohll (ECJ 28 April 1998).97.Case C-219/08, Commission v Belgium ("Posted Workers") (ECJ 1 October 2009); and Case C-347/09, Dickinger (ECJ 15 December 2007) para, 117; Case C-219/08, Commission v Belgium ("Posted Workers") (ECJ 16 October 2009); and Case C-347/09, Dickinger (ECJ 15 December 2007) para, 117; Case C-219/08, Commission v Belgium ("Posted Workers") (ECJ 16 October 2009); and Case C-347/09, Dickinger (ECJ 15 December 2007) para, 117; September 2011) para 79.98. Segura Serrano (2003), pp. 145-146.99. Case C-288/89, Gouda (ECJ 25 July 1991) para 18 with reference to previous cases: professional rules intended to protect recipients of the service, protection of intellectual property, the protection of workers, consumer protection, the conservation of the national historic and artistic heritage of a country and the widest possible dissemination of knowledge of the artistic and cultural heritage of a country and the widest possible dissemination of knowledge of the artistic and cultural heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissemination of knowledge of the artistic heritage of a country and the widest possible dissem public interest" means reasons recognised as such in the case law of the Court of Justice, including the following grounds: public security; p combating fraud; the protection of the environment and the urban environment; the health of animals; intellectual property; the conservation of the national historic and artistic heritage; social policy objectives and cultural policy objectives. 101. Parliament/Council Directive 2006/123/EC on services in the internal market, O.J. L 376/36 (2006).102.Barnard (2016), p. 483; Segura Serrano (2003), p. 147.103.Hatzopoulos (2012), p. 153-155. Similarly, Barnard (2016), pp. 484-488 (based on Chalmers) distinguishes between market externalities, civil liberties, socio-cultural practices and public order.104.Hatzopoulos (2012), p. 152.105.Segura Serrano (2003), pp. 147-148.106.Case C-398/95, SETTG (ECJ 5 June 1997) para 23; Joined Cases C-49/98 et al., Finalarte (ECJ 25 October 2001) para 23; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2002) para 26; Case C-257/05, Commission v Italy (ECJ 16 January 2003) para 27; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 28; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 28; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (ECJ 16 January 2003) para 29; Joined Cases C-211/91, Commission v Italy (EC Austria ("BOILER INSPECTORS") (ECJ 14 December 2006).108.Case C-158/96, Kohll (ECJ 28 April 1998) para 41; Case C-368/98, Vanbraekel (12 July 2001) para 47; Case C-385/99, Müller-Fauré and van Riet (13 May 2003) para 73; Case C-419/16, Simma Federspiel (ECJ 20 April 1998) para 47; Case C-368/98, Vanbraekel (12 July 2001) para 47; Case C-368/98, December 2017) para 46.109.Case C-398/95, SETTG (ECJ 5 June 1997) para 23.110.111.Hatzopoulos (2012), p. 158, drawing from the teachings of Paul Demaret.112.Segura Serrano (2003), p. 148.113.Case C-76/90, Säger (ECJ 25 July 1991) para 17; Case C-288/89, Gouda (ECJ 25 July 1991) para 27; Case C-353/89, Commission v Netherlands ("Mediawet") (ECI 25 July 1991) para 30.114.Segura Serrano (2003), pp. 148-149.115.Segura Serrano (2003), p. 152.116.Weatherill (1994), p. 361.118.De Búrca (1993), p. 6.119.Craig and De Búrca (2015), p. 551.120.Craig (2012), chapter 19; Hatzopoulos (2012), p. 105; Emiliou (1996), p. 6.119.Craig and De Búrca (2015), p. 551.120.Craig (2012), chapter 19; Hatzopoulos (2012), p. 105; Emiliou (1996), p. 6.119.Craig and De Búrca (2015), p. 551.120.Craig (2012), chapter 19; Hatzopoulos (2012), p. 105; Emiliou (1996), p. 105; Emiliou (19 173, who considers that the view which finds wider support in the Court's case law is that proportionality comprises only suitability and necessary connection between such a cultural policy and the conditions" set out by the national measure (italics added), see Case C-288/89, Gouda (ECJ 25 July 1991) para 42.124. The Court held that "the application of national provisions to providers of services established in other MS must be such as to guarantee the achievement of the intended aim and must not go beyond that which is necessary in order to achieve that objective. In other words, it must not be possible to obtain the same result by less restrictive rules" (italics added), see Case C-288/89, Gouda (ECJ 25 July 1991) para 19.125. Case C-272/94, Guiot (ECJ 28 March 1996) para 13; Joined Cases C-369/96 and C-376/96, Arblade and Leloup (ECJ 23 November 1999) para 39.126.De Búrca (1993), pp. 127 and 148.127.Case C-204/90, Bachmann (ECJ 28 January 1992) para 18; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 11; Case C-205/99, ANALIR (ECJ 20 January 1992) para 18; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 18; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-205/99, ANALIR (ECJ 20 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Case C-300/90, Commission v Belgium (ECJ 28 January 1992) para 19; Ca February 2001) para 35; Case C-390/99, Canal Satélite Digital (ECJ 22 January 2002) para 39; Case C-17/00, De Coster (ECJ 29 November 2010) para 38. Conversely, the Court has explored other alternatives only to reach the conclusion that the measure at hand was justified, Case C-137/09, Josemans (ECJ 16 December 2010) para 80-81.128, Case C-17/00, December 2010 para 39; Case C-17 67/98, Zenatti (ECJ 21 October 1999) para 33; Case C-124/97, Läärä (21 September 1999), para 35; Case C-275/92, Schindler (ECJ 24 March 1994) para 38; Case C-36/02, Omega (ECJ 14 October 2004) para 38; Case C-275/92, Schindler (ECJ 24 March 1994) para 38; Case C-36/02, Omega (ECJ 14 October 2004) para 38; Case a unified "cultural model".131. Van Gerven (1999), p. 1636.132. Case C-76/90, Säger (ECJ 25 July 1991) para 21; Case C-180/89, Commission v Italy (ECJ 26 February 1991) para 24; Case C-198/89 Commission v France (ECJ 26 February 1991) para 25.134. Case C-165/98, Mazzoleni (ECJ 15 March 2001) para 30; Case C-164/99, Portugaia (ECJ 24 January 2002) para 23.135. Case C-438/05, Viking (ECJ 11 December 2007) para 46; Case C-341/05, Laval (ECJ 18 December 2008) para 77, although here the Court did not finally give prevalence to the freedom of movement. 2007) para 94.137.138. Joined Cases C-316/07 et al., Markus Stoß (ECJ 8 September 2010) para 91; also Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 38; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 38; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 38; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 38; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Garkalns (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Carmen Media (ECJ 8 September 2010) para 46; Case C-470/11, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46; Case C-46/08, Carme considers that this new test is integrated in the proportionality test as its third stage, and provides more foreseeability; see Mathisen (2010), p. 1021, who adopts a different approach.140.Case C-243/01, Gambelli (ECJ 6 November 2003) para 67; Joined Cases C-338/04, C-359/04 and C-360/04, Placanica (ECJ 6 March 2007) para 53.141.See Van den Bogaert and Cuyvers (2011), p. 1204, who consider that the Court tends to be stricter if the national measures.142.Case C-500/06, Corporación Dermoestética (ECJ 17 July 2008) para 39-40; Case C-169/07, Hartlauer (ECJ 10 March 2009) para 55; Case C-169/08, Presidente del Consiglio dei Ministri v Regione Sardegna (ECJ 17 November 2009) para 42; Joined Cases C-316/07 et al., Markus Stoß (ECJ 8 September 2010), para 106; Case C-46/08, Carmen Media (ECJ 8 September 2010) para 31 et seqq.; and Case C-367/12, Sokoll-Seebacher (ECJ 13 February 2014) para 43.143.Case C-42/07, Liga Portuguesa de Futebol Profissional (ECJ 8 September 2009) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 46; Case C-470/11, Garkalns (ECJ 19 July 2012) para 47. December 2018) para 52.144. Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José Manuel Blanco Pérez and María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/07 and C-571/07, José María del Pilar Chao Gómez (ECJ 1 June 2010) para 42; Joined Cases C-570/ 159/12 to C-161/12, Venturini (ECJ 5 December 2013) para 41.145. The ECJ understood that the restrictions imposed by the Dutch State on the practice of so-called cold-calling were proportionate, taking into account "the risks inherent in the type of transactions offered", see Case C-384/93, Alpine Investments (ECJ 10 May 1995) para 46. The Court also justified a national measure because of "the risks arising from incompetence on the part of debt-collection agencies", see Case C-3/95, Reisebüro Broede (ECJ 12 December 1996) para 39. The Court also held that, on the grounds of combating money laundering and terrorist financing, the Spanish requirements on the part of institutions providing financial services to report directly to the Spanish financial intelligence unit on suspicious operations were justified, even if they gave rise to additional expenses and administrative burdens, see Case C-212/11, Jyske Bank Gibraltar (ECJ 25 April 2013) para 81.146. Case C-205/84, Commission v Germany ("insurance") (ECJ 4 December 1986) para 54; Case C-18/95, Terhoeve (ECJ 26 January 1999) para 45; Joined Cases C-369/96 and C-376/96, Arblade and Leloup (ECJ 23 November 1999) para 42 and 46; Case C-165/98, Mazzoleni (ECJ 15 March 2001) para 36; Joined Cases C-49/98 et al., Finalarte (ECI 25 October 2001) para 74. Conversely, the Court has been tolerant with "public order" situations so as to uphold "general rules which are easily managed and supervised by the national authorities" Case C-137/09, Josemans (ECI 16 December 2010) para 82; and Case C-110/05 Commission v Italy (Trailers) (ECJ 10 February 2009) para 42.149. The Court has held that "the principle of legal certainty, the corollary of which is the principle of the protection of legitimate expectations, requires, inter alia, that rules of law be clear and precise and p (ECJ 10 May 1995) para 51; Case C-3/95, Reisebüro Broede (ECJ 12 December 1996) para 42.151.Case C-76/90, Säger (ECJ 25 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 25 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 25 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 26 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 27 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 27 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 27 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 27 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 27 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Segura Serrano (2003), p. 160.153.Craig and De Búrca (2015), p. 834.154.Case 120/78, Rewe (ECJ 28 July 1991) para 15.152.Segura Segura Cases 110/78 and 111/78, Van Wesemael (ECJ 18 January 1979) para 30; Case 279/80, Webb (ECJ 17 December 1981) para 17; as for the "insurance" (ECJ 4 December 1981) para 17; as for the "insurance" (ECJ 4 December 1981) para 17; as for the "insurance" (ECJ 4 December 1981) para 18; Case C-180/89, Commission v France (ECJ 18 January 1979) para 19; Case C-180/89, Commission v France (ECJ 18 January 1979) para 19; Case C-180/89, Commission v France (ECJ 18 January 1979) para 19; Case C-180/89, Commission v France (ECJ 18 January 1979) para 19; Case C-180/89, C Commission v Italy (ECJ 26 February 1991) para 17; Case C-198/89, Commission v Greece (ECJ 26 February 1991) para 18.157. Case C-288/89, Gouda (ECJ 25 July 1991) para 17; Case C-288/89, Gouda (ECJ 25 July 1991) para 13.158. Segura Serrano (2003), p. 162.159.Barnard and Peers (2014), p. 422, who speaks of a "weak" form of the country of origin principle as the one accepted by the Court in this field.160.Examples include Case 279/80, Webb (ECJ 4 December 1986) para 39 and 40.161. Joined Cases C-369/96 and C-376/96, Arblade and Leloup, (ECJ 23 November 1999) para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 25 October 2001), para 45; Case C-164/99, Portugaia (ECJ 24 January 2002), para 52; Joined Cases C-369/96 and C-376/96, Arblade and Leloup, (ECJ 23 November 1999) para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 25 October 2001), para 45; Case C-164/99, Portugaia (ECJ 24 January 2002), para 52; Joined Cases C-369/96 and C-376/96, Arblade and Leloup, (ECJ 25 October 2001), para 45; Case C-164/99, Portugaia (ECJ 26 January 2002), para 52; Joined Cases C-369/96 and C-376/96, Arblade and Leloup, (ECJ 27 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 26 January 2002), para 52; Joined Cases C-369/96 and C-376/96, Arblade and Leloup, (ECJ 27 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 27 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 27 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined Cases C-49/98 et al., Finalarte (ECJ 28 January 2002), para 52; Joined inter alia, that qualifications obtained in another Member State are accorded their proper value and duly taken into account", see Case C-342/14, X-Steuerberatungsgesellschaft (ECJ 17 December 2010), para 101; Case C-390/99, Canal Satélite Digital (ECJ 22 January 2002) para 34-42; Case C-234/97, Fernández de Bobadilla (ECJ 8 July 1999) para 31; Case C-340/89, Vlassopoulou (ECJ 7 May 1991) para 42; Case C-347/09, Dickinger (ECJ 15 September 2011) para 98; Joined Cases C-660/11 and C-8/12, Biasci and Others (ECJ 12 September 2013) para 40.166. Hatzopoulos (2013), p. 493; See also Hörnle (2011), p. 256, who considers that "the Court has been right in allowing the Member States wide discretion and refusing to liberalize the gambling sector on the basis of a mutual recognition principle"; Cf. Dawes and Struckmann (2010), p. 236.167. Joined Cases C-316/07 et al., Markus Stoß (ECJ 8 September 2010), para 91; also Case C-46/08, Carmen Media (ECJ 8 September 2010) para 46.

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