

# The Common Market

## Quantitative restrictions on exports

rectified Chart 8 | 26

**Topic:**

For a long time, the Court appeared to interpret the concept of MEEQR under Art. 29 EC as including distinctly applicable measures only. More recently, the Court also included indistinctly applicable measures.

### Quantitative restrictions on exports, Art. 29 EC

Specific elements of the prohibition

Reminder: must involve a cross-border situation; see **Chart 8/3**.

**Quantitative restrictions ('quantitative restrictions proper')**

Restrictions in numbers (e.g. total ban, quotas etc.):

E.g. *Thompson* (1978)

**Measures having an equivalent effect to a quantitative restriction (MEEQR)**

**Distinctly applicable measures**

Until recently, the Court held that Art. 29 EC catches only measures which provide for a difference in treatment between products destined for export and those sold within the Member State concerned, and that such measures can be justified only on the basis of Art. 30 EC; *Grilli* (2003).

E.g.:

- A licensing system only for export products; *Bouhelier* (1977);
- A requirement of registry with the export board; *Jersey Potatoes* (2005).

**Indistinctly applicable measures**

In 2008, the Court found an indistinctly applicable measure to constitute an MEEQR. Such MEEQR may be justified on the basis of Art. 30 EC or of overriding requirements of public interest, e.g. consumer protection under *Cassis de Dijon* (1979).

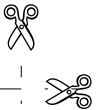
*Gysbrechts and Santurel* (2008), concerning a general prohibition to require a deposit or payment before the end of the period allowing the consumer to withdraw from a distance contract.

In principle **prohibited**.



'In principle' means: unless a **justification** is provided under Art. 30 EC.

See **Chart 8/23**



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