

## Case C-18/87 Commission v Germany [1988]

**Facts:** The Commission brought an action under Article 169 of the EEC Treaty for a declaration that Germany had failed to fulfil its obligations under Articles 9 and 12 of the EEC Treaty, as some authorities charged a fee on the importation of live animals from other Member States to cover the costs of veterinary inspections carried out under the relevant Council Directive on the protection of animals during international transport, a charge therefore having an effect equivalent to a customs duty.

**Held:** The prohibition of customs duties and any charges having an equivalent effect lies in the fact that any pecuniary charge constitutes an obstacle to the movement of goods, aggravated by the resulting administrative formalities. Such a charge escapes that classification if it relates to a general system of internal dues applied systematically to domestic products and imported products alike, if it constitutes payment for a service rendered to the economic operator of a sum in proportion to the services or, subject to certain conditions, if it attaches to inspections carried out to fulfil obligations imposed by Community law. The contested fees belong to the latter type, and the conditions to escape the classification as charges having an effect equivalent to a customs duty are the following ones: (a) they do not exceed the actual costs of the inspections in connection with which they are charged; (b) the inspections are obligatory and uniform for all the products concerned in the Community; (c) they are prescribed by Community law in the general interest of the Community; and, (d) they promote the free movement of goods, in particular by neutralizing obstacles which could arise from unilateral measures of inspections adopted in accordance with Article 36 of the Treaty. These conditions are satisfied by the contested fee.