Avis juridique important

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Judgment of the Court of 12 November 1969. - Erich Stauder v City of Ulm - Sozialamt. - Reference for a preliminary ruling: Verwaltungsgericht Stuttgart - Germany. - Case 29-69.

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Keywords

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1 . MEASURES ADOPTED BY AN INSTITUTION - DECISION ADDRESSED TO ALL MEMBER STATES - INTERPRETATION - CRITERIA - CONSIDERATION OF DIFFERENT LANGUAGE VERSIONS OF THE MEASURE IN QUESTION

(EEC TREATY, ARTICLE 189)

2 . COMMUNITY LAW - GENERAL PRINCIPLES - FUNDAMENTAL HUMAN RIGHTS INCLUDED - RESPECT FOR THESE ENSURED BY THE COURT

Summary

1 . WHEN A SINGLE DECISION IS ADDRESSED TO ALL THE MEMBER STATES THE NECESSITY FOR UNIFORM APPLICATION AND ACCORDINGLY FOR UNIFORM INTERPRETATION MAKES IT IMPOSSIBLE TO CONSIDER ONE VERSION OF THE TEXT IN ISOLATION BUT REQUIRES THAT IT BE INTERPRETED ON THE BASIS OF BOTH THE REAL INTENTION OF ITS AUTHOR AND THE AIM HE SEEKS TO ACHIEVE, AND IN THE LIGHT IN PARTICULAR OF THE VERSIONS IN ALL FOUR LANGUAGES .

2 . THE PROVISION AT ISSUE CONTAINS NOTHING CAPABLE OF PREJUDICING THE FUNDAMENTAL HUMAN RIGHTS ENSHRINED IN THE GENERAL PRINCIPLES OF COMMUNITY LAW AND PROTECTED BY THE COURT .

Parties

REFERENCE TO THE COURT UNDER ARTICLE 177 OF THE EEC TREATY BY THE VERWALTUNGSGERICHT STUTTGART FOR A PRELIMINARY RULING IN THE ACTION PENDING BEFORE THAT COURT BETWEEN

ERICH STAUDER, 15 MARIENWEG, 79 ULM,

AND

CITY OF ULM, SOZIALAMT (SOCIAL WELFARE OFFICE),

Subject of the case

ON THE FOLLOWING QUESTION :

" CAN THE FACT THAT THE DECISION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES OF 12 FEBRUARY 1969 (69/71/EEC) MAKES THE SALE OF BUTTER AT A REDUCED PRICE TO BENEFICIARIES UNDER CERTAIN WELFARE SCHEMES DEPENDENT ON REVEALING THE NAME OF THE BENEFICIARY TO THE SELLERS BE CONSIDERED COMPATIBLE WITH THE GENERAL PRINCIPLES OF COMMUNITY LAW IN FORCE? ",

Grounds

1 BY AN ORDER OF 18 JUNE 1969 RECEIVED BY THE COURT REGISTRY ON 26 JUNE 1969 THE VERWALTUNGSGERICHT STUTTGART HAS REFERRED TO THE COURT FOR A PRELIMINARY RULING UNDER ARTICLE 177 OF THE EEC TREATY THE QUESTION WHETHER THE REQUIREMENT IN ARTICLE 4 OF DECISION NO 69/71/EEC OF THE COMMISSION OF THE EUROPEAN COMMUNITIES THAT THE SALE OF BUTTER AT REDUCED PRICES TO BENEFICIARIES UNDER CERTAIN SOCIAL WELFARE SCHEMES SHALL BE SUBJECT TO THE CONDITION THAT THE NAME OF BENEFICIARIES SHALL BE DIVULGED TO RETAILERS CAN BE CONSIDERED COMPATIBLE WITH THE GENERAL PRINCIPLES OF COMMUNITY LAW IN FORCE .

2 THE ABOVEMENTIONED DECISION IS ADDRESSED TO ALL THE MEMBER STATES AND AUTHORIZES THEM, WITH A VIEW TO STIMULATING THE SALE OF SURPLUS QUANTITIES OF BUTTER ON THE COMMON MARKET, TO MAKE BUTTER AVAILABLE AT A LOWER PRICE THAN NORMAL TO CERTAIN CATEGORIES OF CONSUMERS WHO ARE IN RECEIPT OF CERTAIN SOCIAL ASSISTANCE . THIS AUTHORIZATION IS SUBJECT TO CERTAIN CONDITIONS DESIGNED, INTER ALIA, TO ENSURE THAT THE PRODUCT, WHEN MARKETED IN THIS WAY, IS NOT PREVENTED FROM REACHING ITS PROPER DESTINATION . TO THAT END ARTICLE 4 OF DECISION NO 69/71 STIPULATES IN TWO OF ITS VERSIONS, ONE BEING THE GERMAN VERSION, THAT THE STATES MUST TAKE ALL NECESSARY MEASURES TO ENSURE THAT BENEFICIARIES CAN ONLY PURCHASE THE PRODUCT IN QUESTION ON PRESENTATION OF A " COUPON INDICATING THEIR NAMES ", WHILST IN THE OTHER VERSIONS, HOWEVER, IT IS ONLY STATED THAT A " COUPON REFERRING TO THE PERSON CONCERNED " MUST BE SHOWN, THUS MAKING IT POSSIBLE TO EMPLOY OTHER METHODS OF CHECKING IN ADDITION TO NAMING THE BENEFICIARY . IT IS THEREFORE NECESSARY IN THE FIRST PLACE TO ASCERTAIN EXACTLY WHAT METHODS THE PROVISION AT ISSUE PRESCRIBES .

3 WHEN A SINGLE DECISION IS ADDRESSED TO ALL THE MEMBER STATES THE NECESSITY FOR UNIFORM APPLICATION AND ACCORDINGLY FOR UNIFORM INTERPRETATION MAKES IT IMPOSSIBLE TO CONSIDER ONE VERSION OF THE TEXT IN ISOLATION BUT REQUIRES THAT IT BE INTERPRETED ON THE BASIS OF BOTH THE REAL INTENTION OF ITS AUTHOR AND THE AIM HE SEEKS TO ACHIEVE, IN THE LIGHT IN PARTICULAR OF THE VERSIONS IN ALL FOUR LANGUAGES .

4 IN A CASE LIKE THE PRESENT ONE, THE MOST LIBERAL INTERPRETATION MUST PREVAIL, PROVIDED THAT IT IS SUFFICIENT TO ACHIEVE THE OBJECTIVES PURSUED BY THE DECISION IN QUESTION . IT CANNOT, MOREOVER, BE ACCEPTED THAT THE AUTHORS OF THE DECISION INTENDED TO IMPOSE STRICTER OBLIGATIONS IN SOME MEMBER STATES THAN IN OTHERS .

5 THIS INTERPRETATION IS, MOREOVER, CONFIRMED BY THE COMMISSION'S DECLARATION THAT AN AMENDMENT DESIGNED TO REMOVE THE REQUIREMENT THAT A NAME SHALL APPEAR ON THE COUPON WAS PROPOSED BY THE MANAGEMENT COMMITTEE TO WHICH THE DRAFT OF DECISION NO 69/71 WAS SUBMITTED FOR ITS OPINION . THE LAST RECITAL OF THE PREAMBLE TO THIS DECISION SHOWS THAT THE COMMISSION INTENDED TO ADOPT THE PROPOSED AMENDMENT .

6 IT FOLLOWS THAT THE PROVISION IN QUESTION MUST BE INTERPRETED AS NOT REQUIRING - ALTHOUGH IT DOES NOT PROHIBIT - THE IDENTIFICATION OF BENEFICIARIES BY NAME . THE COMMISSION WAS THUS ABLE TO PUBLISH ON 29 JULY 1969 AN AMENDING DECISION TO THIS EFFECT . EACH OF THE MEMBER STATES IS ACCORDINGLY NOW ABLE TO CHOOSE FROM A NUMBER OF METHODS BY WHICH THE COUPONS MAY REFER TO THE PERSON CONCERNED .

7 INTERPRETED IN THIS WAY THE PROVISION AT ISSUE CONTAINS NOTHING CAPABLE OF PREJUDICING THE FUNDAMENTAL HUMAN RIGHTS ENSHRINED IN THE GENERAL PRINCIPLES OF COMMUNITY LAW AND PROTECTED BY THE COURT .

Decision on costs

8 THE COSTS INCURRED BY THE COMMISSION OF THE EUROPEAN COMMUNITIES, WHICH HAS SUBMITTED ITS OBSERVATIONS TO THE COURT, ARE NOT RECOVERABLE, AND AS THESE PROCEEDINGS ARE, IN SO FAR AS THE PARTIES TO THE MAIN ACTION ARE CONCERNED, A STEP IN THE ACTION PENDING BEFORE THE VERWALTUNGSGERICHT STUTTGART THE DECISION ON COSTS IS A MATTER FOR THAT COURT .

Operative part

THE COURT

IN ANSWER TO THE QUESTION REFERRED TO IT BY THE VERWALTUNGSGERICHT STUTTGART BY ORDER OF THAT COURT OF 18 JUNE 1969 HEREBY RULES :

1 . THE SECOND INDENT OF ARTICLE 4 OF DECISION NO 69/71/(EEC) OF 12 FEBRUARY 1969, AS RECTIFIED BY DECISION NO 69/244/(EEC), IS TO BE INTERPRETED AS ONLY REQUIRING THE IDENTIFICATION OF THOSE BENEFITING FROM THE MEASURES FOR WHICH IT PROVIDES; IT DOES NOT, HOWEVER, REQUIRE OR PROHIBIT THEIR IDENTIFICATION BY NAME SO AS TO ENABLE CHECKS TO BE MADE;

2 . EXAMINATION OF THE QUESTION REFERRED TO THE COURT BY THE VERWALTUNGSGERICHT STUTTGART REVEALS NOTHING CAPABLE OF AFFECTING THE VALIDITY OF THE SAID DECISION .