

JUDGMENT OF THE COURT
31 MARCH 1982¹

Joseph Henri Thomas Blesgen
v State of Belgium
(reference for a preliminary ruling
from the Belgian Cour de Cassation)

(Measures having equivalent effect — Restriction on the marketing of spirits)

Case 75/81

Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Prohibition on offering certain spirits for consumption on the premises in places open to the public — Prohibition on keeping spirits on premises appurtenant to the establishment open to the public — Permissibility

(EEC Treaty, Art. 30)

The concept in Article 30 of the EEC Treaty of measures having an effect equivalent to quantitative restrictions on imports is to be understood as meaning that the prohibition laid down by that provision does not cover a national measure applicable without distinction to domestic and imported products which prohibits the consumption, sale or offering even without charge of spirituous beverages of a certain alcoholic strength for consumption on the premises in all places open to the public as well as the stocking of such drinks on premises to which consumers are admitted or in other parts of the

establishment or in the dwelling appurtenant thereto, in so far as the latter prohibition is complementary to the prohibition of consumption on the premises.

Since it does not affect other forms of marketing of the spirits referred to and since the restrictions which it imposes make no distinction whatsoever based on the nature or origin of the spirits such a national measure has in fact no connection with the importation of the products and for that reason is not of such a nature as to impede trade between Member States.

¹ — Language of the Case: French.