

Case 29/87

Dansk Denkavit ApS

v

Danish Ministry of Agriculture

(reference for a preliminary ruling
from the Østre Landsret, Copenhagen)

(Additives in feedingstuffs — Identification and purity)

Report for the Hearing	2966
Opinion of Mr Advocate General Darmon delivered on 8 March 1988	2976
Judgment of the Court (Second Chamber), 14 June 1988	2982

Summary of the Judgment

- 1. Agriculture — Approximation of laws — Additives in feedingstuffs — Directive 70/524 before its amendment by Directive 84/587 — Identification and purity of additives — Complete harmonization — Measures of health control applicable to traders — Absence of harmonization allowing national measures under Article 36 of the Treaty (EEC Treaty, Art. 36; Council Directive 70/524, as amended)*
- 2. Free movement of goods — Quantitative restrictions — Measures having equivalent effect — Importations of feedingstuffs containing additives subject to prior authorization (EEC Treaty, Art. 30)*
- 3. Agriculture — Approximation of laws — Additives in feedingstuffs — Check sampling provided for by Directive 70/524 — Levy charged to cover costs of control — Compatibility with the directive and Articles 9 and 95 of the Treaty (EEC Treaty, Art. 9 and 95; Council Directive 70/524, as amended)*

1. Directive 70/524 concerning additives in feedingstuffs, as amended up to the adoption of Directive 84/587, provided for harmonization which precluded Member States from relying on Article 36 of the Treaty in order to impose, on the importation from other Member States of feedingstuffs containing additives, national measures intended to ensure the identification and the purity of the additives in question. It did not, on the other hand, provide for harmonization of such a nature as to deprive Member States of recourse to Article 36 of the Treaty as regards measures of health control applicable to the traders concerned.
2. Article 30 of the Treaty must be interpreted as meaning that a national measure which subjects the importation of feedingstuffs containing additives to prior authorization constitutes a measure having an effect equivalent to quantitative restrictions on imports within the meaning of Article 30 of the Treaty.
3. An annual levy charged by a Member State in like manner on importers and national producers of feedingstuffs containing additives and intended to cover the costs incurred by the State in checking samples taken pursuant to Directive 70/524 is compatible with Articles 9 and 95 of the Treaty and the provisions of that directive.

REPORT FOR THE HEARING
delivered in Case 29/87 *

I — Facts and written procedure

1. The Council has adopted several directives concerning feedingstuffs, in particular Directives 70/524 of 23 November 1970 concerning additives to feedingstuffs (Official Journal, English Special Edition 1970 (III), p. 840), 74/63 of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs (Official Journal 1974, L 38, p. 31) and 79/373 of 2 April 1979 on the marketing of compound feedingstuffs (Official Journal 1979, L 86, p. 30). The common aim of the directives is to increase agricultural production while improving the quality of animal production by the use of 'suitable, good quality feedingstuffs' (see the first and second recitals in their preambles).
- With that in view the object of Directive 70/524 (hereinafter referred to as 'the directive'), as amended by Council Directive 73/103 of 28 April 1973 (Official Journal

* Language of the Case: Danish.