

Case C-43/95

Data Delecta Aktiebolag and Ronny Forsberg

v

MSL Dynamics Ltd

(Reference for a preliminary ruling
from the Högsta Domstolen)

(Equal treatment — Discrimination on grounds of nationality —
Security for the costs of judicial proceedings)

Opinion of Advocate General La Pergola delivered on 23 May 1996 I - 4663
Judgment of the Court (Sixth Chamber), 26 September 1996 I - 4671

Summary of the Judgment

1. *Community law — Principles — Equal treatment — Discrimination on grounds of nationality — Prohibition — Scope — National provision requiring foreigners bringing legal proceedings to furnish security for costs — Covered — Condition*
(EC Treaty, Art. 6, first para.)
2. *Community law — Principles — Equal treatment — Discrimination on grounds of nationality — Prohibition — National provision requiring foreigners bringing legal proceedings to furnish security for costs — Application in proceedings concerned with the exercise of fundamental freedoms guaranteed by the Treaty — Not permissible*
(EC Treaty, Art. 6, first para.)

1. A rule of domestic civil procedure of a Member State, requiring nationals and legal persons from another Member State — if non-residents — to furnish security for costs where they wish to bring legal proceedings against a national of the first-mentioned State or a company established therein, falls within the scope of application of the EC Treaty, within the meaning of the first paragraph of Article 6 thereof, and is subject to the general principle of non-discrimination laid down by that article in so far as it has an effect, even though indirect, on trade in goods and services between Member States, which is liable to arise in particular where security for costs is required where proceedings are brought to recover payment for the supply of goods.
2. The first paragraph of Article 6 of the EC Treaty precludes a Member State from requiring a legal person established in another Member State, who has brought before one of its own courts an action against one of its own nationals or a company established on its own territory, to lodge security for the costs of those proceedings where no such requirement can be imposed on legal persons established in the first-mentioned State and where the action is concerned with the exercise of fundamental freedoms guaranteed by Community law.