

Case C-97/98

Peter Jägerskiöld

v

Torolf Gustafsson

(Reference for a preliminary ruling
from the Pargas tingsrätt, Finland)

(Free movement of goods — Definition of goods — Angling rights — Freedom to
provide services)

Opinion of Advocate General Fennelly delivered on 17 June 1999 I-7321
Judgment of the Court (Sixth Chamber), 21 October 1999 I-7332

Summary of the Judgment

1. *Free movement of goods — Treaty provisions — Scope — Fishing rights or angling permits — Not covered — Application of the provisions relating to the freedom to provide services*
(EC Treaty, Art. 9 et seq. (now, after amendment, Art. 23 EC et seq.) and Art. 59 et seq. (now, after amendment, Art. 49 EC et seq.))

2. *Freedom to provide services — Treaty provisions — Not applicable in situations purely internal to a Member State*
(EC Treaty, Art. 59 et seq. (now, after amendment, Art. 49 EC et seq.))

1. Fishing rights or angling permits do not constitute 'goods' within the meaning of the provisions of the Treaty relating to the free movement of goods but form a 'provision of a service' within the meaning of the Treaty provisions relating to the freedom to provide services.

The activity consisting in making fishing waters available to third parties, for consideration and upon certain conditions, so that they can fish there constitutes a provision of services which — if it has a cross-frontier character — is covered by Article 59 et seq. of the Treaty (now, after amend-

ment, Article 49 EC et seq.). The fact that those rights or permits are set down in documents which, as such, may be the subject of trade is not sufficient to bring them within the scope of the Treaty provisions on the free movement of goods.

2. The provisions of the Treaty relating to the freedom to provide services are not applicable to a situation which in all respects is confined within a single Member State and which, accordingly, does not present any link to one of the situations envisaged by Community law in relation to the freedom to provide services.