

2. Orders the United Kingdom of Great Britain and Northern Ireland to bear its own costs and to pay those incurred by the European Parliament and the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 135, 5.5.2014.

Judgment of the Court (Fifth Chamber) of 12 November 2015 (request for a preliminary ruling from the Helsingin hovioikeus — Finland) — Valev Visnapuu v Kihlakunnansyyttäjä (Helsinki), Suomen valtio — Tullihallitus

(Case C-198/14) ⁽¹⁾

(Reference for a preliminary ruling — Articles 34 TFEU and 110 TFEU — Directive 94/62/EC — Articles 1(1), 7 and 15 — Distance selling and transport of alcoholic beverages from another Member State — Excise duty on certain beverage packaging — Exemption where packaging is integrated into a deposit and return system — Articles 34 TFEU, 36 TFEU and 37 TFEU — Requirement of a licence for the retail sale of alcoholic beverages — Monopoly on the retail sale of alcoholic beverages — Justification — Protection of health)

(2016/C 016/08)

Language of the case: Finnish

Referring court

Helsingin hovioikeus

Parties to the main proceedings

Applicant: Valev Visnapuu

Defendants: Kihlakunnansyyttäjä (Helsinki), Suomen valtio — Tullihallitus

Operative part of the judgment

1. Article 110 TFEU and Articles 1(1), 7 and 15 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, which imposes an excise duty on certain beverage packaging, but lays down an exemption for packaging integrated into a functioning return system.
2. Articles 34 TFEU and 36 TFEU must be interpreted as not precluding legislation of a Member State, such as that at issue in the main proceedings, under which a seller established in another Member State must hold a retail sale licence in order to import alcoholic beverages with a view to their retail sale to consumers residing in the first Member State, where that seller, or someone acting on his behalf, transports those beverages, provided that that legislation is appropriate for securing the attainment of the objective pursued, in the present case the protection of health and public policy, that the objective in question could not be achieved with at least an equivalent level of effectiveness by less restrictive methods and that the legislation does not constitute a means of arbitrary discrimination or a disguised restriction on trade between the Member States, which it is for the referring court to verify.

⁽¹⁾ OJ C 202, 30.6.2014.