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The Court of Justice in the Archives Project
Analysis of the *Dassonville* case (8/74)

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Abstract

This working paper is part of the CJEU in the Archive project. In 1974 the Court of Justice of the European Union (CJEU) stated that measures having an effect equivalent to quantitative restrictions were prohibited. The famous *Dassonville* formula is known and repeated by judges and students alike. The release by the CJEU of the *dossier de procédure* provides however a new take on the story that led to one of its most notable decisions. In this case study the main findings are, first, the discovery of new arguments, sources and evidence that offers valuable insights into the parties' interests and goals. Behind the formula, technical and personal arguments are hidden. Second, the *dossier* puts the *Dassonville* case back in its context. This context reveals how the definition of measure having equivalent effect to quantitative restrictions was an ongoing subject in all the institutions of European Economic Community. The *dossier* thus extends understanding of the *Dassonville* case and sheds light on the circumstances that led to the famous formula that was elaborated therein.

Keywords

European Court of Justice – Trade – Measure equivalent – Archive – Procedure – Single market

Executive summary

A. Insights into legal issues and arguments (most significant)

The written submissions of each of the participating parties (the litigants, the Commission and Member States) offers detailed insights into their arguments. This allows us to see what arguments were considered important or relevant by the Court and which ones were left aside. For example, arguments regarding the lack of harmonisation among EEC Member States is more developed in the written submissions. Moreover, the *dossier* is, at great length, more technical than the decision. Arguments about whether the Belgian regulation is a Measures Having Equivalent Effect to Quantitative Restriction (MEEQR) or not are more focused on the factual consequences of the regulation rather than on the legal interpretation of Article 34. This shed light on the gap between the intentions of the parties and the Court's decision. The parties' goal was probably to deal with what seems to be a competition case. However, the ECJ used the case to put forward, through a *formula*, a definition of MEEQR. In addition, whether *Dassonville* deserves to be considered a 'landmark case' may be questioned after reading the *dossier*. Through the arguments of the parties and the context of the case, we can see that this was not the first time MEEQRs were defined. MEEQRs were already an ongoing topic (in all likelihood because Article 34 was only recently enforced) and were already defined by both the Commission and the ECJ.

B. Insights into procedures and institutions

The most striking aspect about the *dossier* is what it does not contain. It is in the oral procedure that we find the most redacted pages. We can see that the Court asked the UK Government and the Commission to respond to additional questions, but we do not have the answers. These communications between the Court and the participating parties would have provided interesting information about the procedures and the arguments that arose in this matter. What is also missing are documents showing or explaining the change in the composition of the chamber. We know that the case was first assigned to the second chamber but was eventually decided by the full court, but we have no indication of how this occurred in the *dossier*.

C. Insights into actors

One of the Commission's representative was later appointed to a case regarding alcoholic beverages and MEEQR. The juge-rapporteur, A. J. Mackenzie Stuart, was the first British judge at the ECJ. He had been appointed only a year prior to *Dassonville*.

D. The dossier *as a document (compared to the judgment): length, contents, redaction*

Comparing the *dossier* and the judgement, one salient difference is the importance of the lawyers and representatives. Much of the *dossier* deals with nominations and exchanges between the Registrar and the participating parties' representatives. These representatives are invisible in the judgment.

E. Key paragraph

‘All trading rules enacted by Member States which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade are to be considered as measures having an effect equivalent to quantitative restrictions’.

Table of contents

1. Introduction 5
2. Overview of the case 5
1.1 Context 5
1.2. Facts and law 5
1.2.1 Procedure 5
1.2.2 Facts and law of the Dassonville case 6
1.3.2 Fourcroy and Breuval 9
1.3.3 The United Kingdom 9
1.3.4 Belgium 10
1.3.5 The Commission 10
1.4 The Advocate General's opinion 10
1.5 The judgement of the court 11
1.6 Key paragraphs 11
1.7 The importance of the case in EU law 11
3. The composition of the *dossier* 12
4. What we learn from the *dossier* 13
4.1 Arguments 13
4.1.1 Criticizing EEC harmonisation and personal attacks 13
4.1.2 A competition law case? 15
4.1.3 Justification through other sources 15
4.2 Actors and institutions 17
4.2.1 The parties' lawyer 18
4.2.2 Commission and Member States representatives 18
4.2.3 Judges of the court 19
4.3 Procedures and Case Management 20
5. Concluding reflections on the added value of the *dossier* 20
5.1 MEEQR, an ongoing topic in the EEC. 20
5.2 Technicity of defining an MEEQR 22
Annex: List of documents in *Dassonville dossier* 23

List of tables and figures

Table 1: Legal references in the *Dassonville* decision and in its dossier 6
Table 2: Composition of the dossier 12
Table 3: Matrix of legal arguments linked to the actors who made them 13
Table 4: The Cast of the *Dassonville* case. 17
Table 5: Judges for the case and selected biography 19
Figure 1: Timeline of the *Dassonville* case 20

1. Introduction

The *Dassonville* case is considered a landmark case in EU law. It is known for its definition of measures having equivalent effect to quantitative restriction (MEEQR). In the then-European Economic Community (EEC), and today's European Union single market, quantitative restrictions on trade are forbidden. Measures that are not restrictions on trade *per se* but create the same effect are considered equivalent and prohibited in the same way. *Dassonville* is the first key ECJ case to deal with the question of MEEQR. *Dassonville* adopted a broad view and opened the path for other landmark cases such as the *Cassis de Dijon* case in 1979.[1]

2. Overview of the case

1.1 Context

At the time of the *Dassonville* decision, the EEC was at the heart of its building phase. For Commissioner Spinelli the European Union was 'still in its infancy'.[2] Globally, the EEC was facing two crises: a monetary crisis and an oil crisis that started in 1973, a year before the decision. These events stimulated talks about the Economic and Monetary Union but also appear to have convinced heads of states that a common political will on foreign affairs was needed.[3] This was thus a time of constructing what would become the European Union and enhancing its institutions.

Concomitantly, the EEC was expanding. Negotiations on accession started with Denmark, Ireland, Norway and the United Kingdom in 1970. Three of them, including the UK, would join the EEC in 1973. This means that the facts of the *Dassonville* case, which occurred in 1970, took place when the UK was still a third country to the EEC.

Moreover, the decision was taken at the end of a transitional period. The Treaty of Rome, establishing the Common Market, provided for a transitional period of twelve years.[4] Many articles of the treaty were thus just starting to be enforced. This included Article 34, which was interpreted in the *Dassonville* case.

1.2. Facts and law

1.2.1 Procedure

In the first instance (Tribunal de Première Instance de Bruxelles) the parties to the criminal proceedings were the Procureur du Roi (public prosecutor) and Benoît and Gustave Dassonville. The parties to the civil action were SA Ets. Fourcroy, SA Breuval et Cie and Benoît and Gustave Dassonville. By judgment of 11 January 1974, the Belgian court referred two questions to the European Court of Justice (ECJ) pursuant to the preliminary reference procedure. The first focused on the interpretation of Articles 30, 31, 32, 33 and 36 of the EEC Treaty. Basically, it asked if the situation at hand should be interpreted as a quantitative restriction on trade or as a measure having equivalent effect. The second focused on the exclusivity agreement. The Belgian court asked if the agreement should be considered void if

[1] Pail Graig and Grainne de Búrca, *EU Law, Text, Cases and Materials* (Oxford University Press, 6th ed. 2015).

[2] Wim F.V. Vanthoor, *A Chronological History of the European Union. 1946-2001* (Edward Elgar, 2002).

[3] Ibid.

[4] Treaty Establishing the European Community (Consolidated Version), Rome Treaty [1957], hereafter EEC Treaty, article 8.

the effect of restricting competition resulted from the conjunction of the agreement with national rules. The ECJ decided there was no need for a preparatory inquiry.

1.2.2 Facts and law of the *Dassonville* case

Gustave Dassonville was a wholesaler in France. His son, Benoît, managed a branch of his father's business in Belgium. In 1970 they imported Scotch whisky of the brand Johnnie Walker and Vat 69 into Belgium. The whisky was purchased by Gustave Dassonville from French importers. With the intent of selling the products in Belgium, Dassonville affixed labels on the bottles. Those labels mentioned, among other things, the words 'British Customs Certificate of Origin' and a hand-written note of the numbers and date of the French excise bond on the permit register. The bottles were imported into Belgium and cleared for customs purposes as 'community goods'. However, because the excise bond was not a certificate of origin the Belgian authorities declared that the documents did not properly satisfy the objective of Royal Decree No 57. The Public Prosecutor instituted proceedings against Dassonville for forgeries with fraudulent intent to induce belief that they had the official certification of origin and with intent to contravene Royal Decree No 57. Two companies, Fourcroy and Breuval, were the exclusive importers and distributors of the two specific brands of whisky into Belgium. They brought a civil claim to accompany the Public Prosecutor proceedings. They claimed compensation for an alleged damage suffered by the illegal importation of whisky. They argued that they had suffered damages even though there was no breach of their exclusivity contract (because it was not effective against third parties in Belgian law).

Table 1: Legal references in the *Dassonville* decision and in its *dossier*

Source	**Law**	**In the decision, cited by**	**In observations cited by**
	Article 20 of the Protocol on the Stature of the Court of Justice of the EEC	ECJ	
	articles 30 to 33, 36 and 85 of the EEC Treaty	ECJ	
EU LAW	*Directive 70/50 of 22 December 1969 (OJ L 13, 1970, p.29)*	Dassonvilles	Commission
		F&B	
		Belgian Gov	
	Article 85 (1) EEC Treaty	Dassonvilles	
		Commission	
	Regulation No 2552/69/EEC of 17 December 1969 (OJ L 320, 1969, p.19)	UK	
	Regulation EEC No 24 of 4 April 1962, OJ of 20 April 1962	UK	

	Regulation EEC No 1769, p72 of the Commission, OJ L 191, 1972, p.1	UK	
	Article 33 (7) EEC (Directives of the Commission of 7 November 1966, OJ of 30.11.1966, pp. 3745/66 and 3748/66, and of 17 and 22 December 1969, OJ L 13, pp.1 and 29 of 19.1.1970	Commission	
	article 95 of the EEC Treaty	Commission	
ECJ CASE LAW	*International Fruit Company v Produktschap voor Groenten en Fruit* case (51 and 54/71, Rec 1972, p.1107)	Dassonvilles	
		F&B	
		Commission	
	Sirena v Eda case (40/70, Rec 1971. P.69)	Dassonvilles	
	Béguelin Case (Case 22/71, Rec. 1971, p. 949)	F&B	Commission
		Dassonvilles	
		ECJ	
	*Stier v Hauptzollant Ericus, (*Case 31/67, Rec 1968, pp. 347-357)	Commission	
	Commission v Italy case (7/68, Rec 1968, p.617)	Commission	
	Grundig/Consten case (C-56/64, Rec 1966, pp. 431-439)	AG	Commission
	Sociaal Fonds voor de Diamantarbeiders case (2-3/69, Rec. 1969, p. 221)	AG	
	Deutsche Grammophon case (78-10, rec. 1971)	AG	
INTERNATIONAL LAW	*International agreements between the Belgo-Luxembourg Union and France (4 April 1925) and Portugal (6 January 1927).*	F&B	
	Paris Convention for the Protection of Industrial property of 20 March 1883	F&B	Belgian Gov
		UK	

	General Agreement on Tariffs and Trade (GATT), 30 October 1947			Commission
BELGIAN LAW	Belgian Law of 14 July 1971	Dassonville		Belgian Gov
	Royal Decree No 57 of 2 December 1934	ECJ		
	Law of 23 May 1929 ratifying the Hague Act of 6 November 1925 revising the Paris Convention	F&B		
	Belgian law of 18 April 1927 on the designations of product's origin	ECJ		Belgian Gov / F&B / UK
	Law of 14 July 1971 which modified the application of the Paris Convention and Hague Act	F&B		
WRITTEN QUESTION TO THE COMMISSION	*written question of M. Deringer (OJ No 169/67 of 26.7.1967)*	Dassonville		Commission
	Written Question of M. Cousté (OJ No 189/73 of 7.3.1974)	Belgian Gov		F&B
		UK		
	Written Question of M. Deringer No 118/66-67 (OJ No 9 of 17 January 1967, p.122/67 and OJ No 59 of 29 March 1967, p.901/67)	UK		
	Written Question 197/69, OJ C151 26Th November 1969			F&B

This table identifies the different legislation cited in the documents available to the public (ECJ Judgement and AG Opinion). We can see that more than one participant in the case cited one directive, two ECJ cases and one international convention. It also shows when a regulation was cited in the participating parties' written observations, but not cited in the judgment.

1.3 Parties' submissions

1.3.1 Dassonville

Dassonville claimed that the interpretation of Royal Decree No 57 by the Belgian authorities rendered impossible the importation of Scotch whisky into Belgium from any country other than the one from which the goods originated. If the country where the whisky was first bought (not the country of origin) had no rules similar to those in Belgium, it would be impossible to export the goods into Belgium. They considered, therefore, that the Belgian law constituted a measure

equivalent to a quantitative restriction.[5] They argued that this was a strict walling-off of markets or at least discriminatory or a disguised restriction on trade between Member States which was not justified by Article 36 of the EEC Treaty. With regard to the civil action, Dassonville argued that Fourcroy and Breuval had brought the civil claim only to protect their sales exclusivity.

1.3.2 Fourcroy and Breuval

On the first question, Fourcroy and Breuval highlighted the legislative context of the rule.[6] They submitted that the Court should answer the first question on MEEQR in the negative. According to Fourcroy and Breuval, rules capable of having an effect on trade did not automatically have an effect that amount to a breach of the EEC Treaty. Rather, the problems that Dassonville encountered resulted from a lack of harmonisation in the protected designation of origin schemes and their own negligence. Their second argument was that even if the Belgian measure were considered as equivalent to a restriction to trade, it would fall in any case under Article 36's public interest exception. Fourcroy and Breuval argued that the protection of designation of origin had two purposes: the protection of the collective interests of producers and the protection of public health.

On the second question, Fourcroy and Breuval argued that they had a right to invoke the law on unfair competition even if the unfair nature of the behaviour was not a parallel import but another factor. Here, they referred specifically to the lack of certificate of origin.

1.3.3 The United Kingdom

The UK argued that the measure was not a MEEQR. Firstly, the UK submitted that a measure could not have equivalent effect if the measure was only potentially liable to have such effect. Secondly, in the UK's view, the certificate of origin facilitated trade and only hindered the importation of false, bogus, products.

The UK also cited other regulations regarding alcoholic beverages.[7] It argued that even if the measure were considered of equivalent effect, it was nevertheless justified by Article 36 EEC on the basis of the provision on the protection of industrial and commercial property. Furthermore, as with Fourcroy and Breuval, the UK argued that the measure could be justified by the protection of industrial and commercial property.

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[5] Citing in support of their argument the written question of M. Deringer (OJ No 169/67 of 26.7.1967); Commission Directive 70/50 of 22 December 1969 based on the provisions of Article 33 (7), on the abolition of measures which have an effect equivalent to quantitative restrictions on imports and are not covered by other provisions adopted in pursuance of the EEC Treaty [1969] OJ L 13, 1970, p.29 and the ECJ case 51 and 54/71 *International Fruit Company v Produktschap voor Groenten en Fruit*, ECLI:EU:C:1971:128 [1972].

[6] International agreements between the Belgo-Luxembourg Union and France [1925] and Portugal [1927]; Law of 23 May 1929 ratifying the Hague Act of 6 November 1925 revising the Paris Convention for the Protection of Industrial property of 20 March 1883. These laws include "appellation of origin"; Law of 14 July 1971 which modified the application of the Paris Convention and Hague Act, loose the discriminating character between national and imported product.

[7] Regulation (EEC) No 2552/69 of the Commission of 17 December 1969 determining the conditions for the inclusion of bourbon whisky under sub-heading No 22.09 C III (a) of the Common Customs Tariff [1969] OJ L 320, 1969, p.19; Community rules on wine: Regulation EEC No 24 of 4 April 1962 [1962] OJ of 20 April 1962, Regulation EEC No 1769, [1972] OJ L 191, 1.

1.3.4 Belgium

On the first question, the Belgian government argued that the measure was compatible with the EEC Treaty since the requirement of a proof of origin for Scotch whisky was not illegal. The Belgian rule did not discriminate based on the nationality of the trader; it merely asked the trader to furnish the certificate of origin.

Based on Written Question No 189/73, the Belgian government argued that its rule was covered by Article 36 of the EEC. Here again, the argument was that protection of designations of origin played a part in the protection of public health. Moreover, the protection of designation of origin would be put at risk if a non-producer State were authorised to replace the certificate of origin with some other document which did not offer the same guarantees.

1.3.5 The Commission

The Commission first described what, in its view, constituted a measure having an effect equivalent to a trade restriction.[8] One of the key points was that a measure could be equivalent even if it only made importation more difficult, or costly, than the disposal of domestic production, even if it did not completely prevent importation.[9]

The Commission indicated that measures applied in the same way to national and imported products would not usually have equivalent effect. However, the non-discriminatory character of a measure did not prevent it from being a MEEQR. A State's right to regulate trade 'can be exercised only to attain the objectives of the rules concerned and must be suited to those objectives'.[10] Thus, an excessive measure which could be replaced by another with less hindrance to trade constituted a measure having equivalent effect.[11] In addition, for the Commission, for a measure to be justified under Article 36 it had to be appropriate in light of the objective to be attained.

On the second question, the Commission considered the prohibition in Article 85 EEC was applicable because the agreement, examined in its full context, might affect trade between Members States and hinder competition within the Common Market.

1.4 The Advocate General's opinion

The Belgian law required a document that 'in theory' everyone should be able to obtain. For the Advocate General (AG) the problem was not the difference between the French and the Belgian legislation but the requirement in itself. Acquisition of the certificate of origin when there is a second-hand sale is very difficult. Based on several cases,[12] the AG expressed the view that the ECJ usually prohibited measures that unjustifiably burdened importers even when those measures were neither discriminatory nor protectionist.

The AG argued that the exceptions of Article 36 were provided to a Member State to protect its own interest only. A Member State could not justifiably use a measure in order to protect,

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[8] Commission Directive 66/683/EEC of 7 November 1966 eliminating all differences between the treatment of national products and that of products which, under Articles 9 and 10 of the Treaty, must be admitted for free movement, as regards laws, regulations or administrative provisions prohibiting the use of the said products and prescribing the use of national products or making such use subject to profitability [1966] OJ of 30.11.1966, 3745/66 and 3748/66.

[9] *International Fruit Company* case (n 5).

[10] Case 8/74 *Procureur du Roi v Dassonville*, ECLI:EU:C:1974:82 [1974] 838, See 847.

[11] Case 31/67 *Stier v Hauptzollant Ericus*, ECLI:EU:C:1968:23 [1968].

[12] Case 3/69 *Sociaal Fonds voor de Diamantarbeiders*, ECLI:EU:C:1969:30 [1969].

as was the case here, appellations of origin of another State. Even if it were possible to use Article 36 in the present case, the measure had to be appropriate/proportionate to its goal. For the AG, the Belgian measure created an arbitrary discriminatory measure that could not be considered appropriate. The AG concluded that importers that did not receive the goods from the country of origin should be able to prove authenticity by other means.[13]

1.5 The judgement of the court

On the first question the ECJ ruled that 'The requirement of a Member State of a certificate of authenticity which is less easily obtainable by importers of an authentic product which has been put into free circulation in a regular manner in another Member State than by importers of the same product coming directly from the country of origin constitutes a measure having an effect equivalent to a quantitative restriction as prohibited by the Treaty'.

On the second question the ECJ held that 'The fact that an agreement merely authorizes the concessionaire to exploit such a national rule or does not prohibit him from doing so does not suffice, in itself, to render the agreement null and void'.

1.6 Key paragraphs

On the first question:

Paragraph 5: 'All trading rules enacted by Member States which are capable of hindering, directly or indirectly, actually or potentially, intra-Community trade are to be considered as measures having an effect equivalent to quantitative restrictions'.

Paragraph 6: 'In the absence of a Community system guaranteeing for consumers the authenticity of a product's designation of origin, if a Member State takes measures to prevent unfair practices in this connexion, it is however subject to the condition that these measures should be reasonable and that the means of proof required should not act as a hindrance to trade between Member States and should, in consequence, be accessible to all Community nationals'.

1.7 The importance of the case in EU law

The *Dassonville* case is often presented as one of the ECJ's landmark cases. We can find analyses of *Dassonville* in many books that focus on the ECJ's most important cases,[14] but also in EU law books that take a broader view. *Dassonville* is widely recognised as a landmark case for two aspects: the ECJ as a maker of rules[15] and the freedom of movement of goods in the EU.[16] On the first aspect, authors agree that in the *Dassonville* case the ECJ went further than the 1969 Directive[17] and gave a synthetic and extensive definition of MEEQR.[18] For

[13] Based on case 78/70 *Deutsche Grammophon Gesellschaft mbH v Metro-SB-Großmärkte GmbH & Co. KG.*, ECLI:EU:C:1971:59 [1971].

[14] For example : K. Karpenschif and C. Nourissat, *Les grands arrêts de la jurisprudence de l'Union Européenne*, (Thémis droit PUF, 3ème ed. 2016) or L. Vogel, *Droit Européen des affaires* (Précis Dalloz 1ère ed. 2013).

[15] For example: L. Dubouis and C. Bluman, *Droit matériel de l'Union Européenne* (DOMAT Droit Public, LGDJ Lextenso, 7eme ed. 2015).

[16] For example: J.L. Clergerie, A. Gruber and P. Rambaud, *L'Union Européenne* (Précis DALLOZ, 10eme ed. 2014)

[17] Directive 50/70/EEC (n 5).

[18] Case 78/70 *Deutsche Grammophon* (n 13).

Carpano[19] the ECJ acted because of the silence of the EEC treaty and the incompleteness of the directive. On the second aspect, *Dassonville* is depicted as the defining case on MEEQR. It comes after the Directive of 22 December 1969 and lays the ground for later cases. For Craig and De Búrca, *Dassonville* is the foundation for all other case on MEEQR. It 'sowed the seeds which bore fruit in *Cassis de Dijon*'.[20] For some other authors,[21] the ECJ reconsidered the broad definition of MEEQR it gave in *Dassonville* and narrowed it down in the *Keck and Mithouard* case.[22] However, Clergerie et al. [23] found that some later cases, even after *Keck and Mithouard*, still follow the *Dassonville* definition of MEEQR.[24]

3. The composition of the *dossier*

Table 2: Composition of the *dossier*

Category of Document	**Number of documents**	**% of number of document (48)**	**Number of pages**	**% of the *dossier* (458 pages)**	**% of the original file (630 pages)**
Submissions by the parties	5	10%	76	17%	12%
Evidence/ Annexes to observations	12	25%	154	34%	24%
Procedure-related documents	25	52%	101	22%	16%
Report of the Oral Hearing	1	2%	25	5%	4%
Opinion of the AG	1	2%	24	5%	4%
Final Judgement	1	2%	37	8%	6%
Redacted material			172	38%	27%

Documents found in the *dossier*:

- Submission by the parties: both parties and participating parties (The Commission and interested Member States) submitted written observations regarding the preliminary questions.
- Evidence and annexes: attached to the written observations the parties provided the Court with different laws and regulations on the protection of designated origin.
- Procedure-related documents: There are two types of procedure-related documents: letters from the Registrar which organise the procedure and mail information to parties

[19] E. Carpano, in *Les grands arrêts de la jurisprudence de l'Union Européenne* (n 10).

[20] Graig and de Búrca (n 1).

[21] For example, Clergerie et al. (n 16).

[22] Case C-267/91 and C-268/91 *Criminal proceedings against Bernard Keck and Daniel Mithouard*, ECLI:EU:C:1993:905 [1993].

[23] Dubouis and Bluman (n 15).

[24] For example: case C-244/06 *Dynamic Medien Vertriebs GmbH v Avides Media AG*, ECLI:EU:C:2008:85 [2008].

and ECC Member State and letters to the Registrar regarding representatives of the participating parties.

4. What we learn from the *dossier*

4.1 Arguments

Table 3: Matrix of legal arguments linked to the actors who made them

	First question		Second question
Position of actor	**Belgian Decree is a MEEQR**	**Justified under art. 36 on exceptions**	**Validity of excluvisity contract**
Dassonville	YES	No because discriminatory and excessive	Not valid
Fourcroy and Breuval	NO	Yes, falls under exception for the protection of industrial and commercial property and public health	Valid
Belgium	NO	Yes, falls under exception for the protection of public health	Valid
UK	NO	Yes, falls under exception for the protection of industrial and commercial property	Not valid
Commission	YES	No because discriminatory and excessive	Not valid

In the *dossier*, and in particular in the written observations, we find arguments that were not included in the decision. There are three main types of arguments that were excluded or underemphasized. First, the *dossier* reveals harsher criticisms of EEC harmonization, Member States and personal attacks. Second, one of most important features for the parties, the competition aspect, is more visible in the *dossier* than in the decision. Third, the *dossier* shows that participating parties supported their arguments with more than the EEC regulations and ECJ decisions reported in the Court's decision.

4.1.1 Criticizing EEC harmonisation and personal attacks

Three written observations, from the Dassonville, Fourcroy and Breuval and the Belgian government, include personal attacks and reproof of the lack of EEC harmonization.

Dassonville accused Belgium of protectionism,[25] Fourcroy and Breuval and Belgium were blaming the differences between France and Belgium.[26]

The Dassonvilles asserted that the Belgian law was a MEEQR and questioned the goal of the contentious Royal Decree No 57. They argued that the measure, which dated back to 1934, was surely enacted in a 'protectionist spirit'.[27] The Decree was taken in a purely national context and was aimed at regulating solely domestic trade. This situation had led incidentally to the reinforcement of monopolies for national distributors. Furthermore, the Dassonvilles expressed their concern about a generalisation of the protectionist system if the Court did not find the Decree to be a MEEQR. To them, using the pretence of safeguarding trade rules in each Member State would lead to a complete shutdown of the single market and go directly against the EEC Treaty's objectives.[28]

Belgium also promoted harmonisation of norms in the single market, but argued that this harmonization should be achieved by France following the same rules as Belgium. The Belgian government defended its regulation and considered that it was a good way to protect designations of origin. A ruling that the Decree was a MEEQR would lead to serious abuse and hinder the protections provided by designations of origin. Since there was no harmonization on this question at the EEC level, each Member State should be free to regulate as it saw fit. There was a small insinuation that France did not do enough to protect its designations of origin and that this was the reason why the whisky was not accepted.[29]

Fourcroy and Breuval, however, did not make small insinuations. They stated plainly that France did not offer sufficient protections. They claimed that France was breaching its international commitments regarding designations of origin because products were circulated under a simple pink excise bond.[30] The Belgian companies also actively criticised the other party.

Both parties to the First Instance litigation attacked the other in language that was more vigorous than the Court's judgement suggested. For example, Fourcroy and Breuval stated that Dassonville forged a fake certificate rather than bother to ask for one.[31] Dassonvilles' argument that Fourcroy and Breuval were only acting in the interest of conserving their monopoly is mentioned in the decision, but it is more detailed in their written observations. In several pages, Fourcroy and Breuval attempted to expose how the Decree was instrumentalised by the other party. In addition, they gave more information about the reality of the monopoly. They believed that, in solidarity, the French companies "Amer Picon" and "Simon Frères" refused to provide them with the relevant attestation of origin.[32] They observed, as well, that some sales receipts from French distributors were marked 'export prohibited'.

All those factual details are interesting to understand exactly what made the Belgian legislation a MEEQR. These small facts and practices support the conclusion that it was in fact difficult or impossible for Dassonville to have the appropriate certificate. However, many of

[25] *Dossier* – I 11 *Dassonville* written observations, 10 and 12.

[26] *Dossier* – I 14 Fourcroy and Breuval written observations, 12 and *Dossier* I 9 Belgian Government observation, p.11.

[27] *Dossier* – I 11 *Dassonville* WO, 10.

[28] Ibid 12.

[29] I-9 Belgium Government WO, 11.

[30] *Dossier* – I 14 Fourcroy and Breuval WO, 12.

[31] Ibid.

[32] *Dossier* – I 11 *Dassonville* WO, 14.

these arguments were presented by the parties as arguments relating to the second preliminary question.

4.1.2 A competition law case?

The second question was treated in the decision as less important than the first because of its subsidiary nature. If the regulation was not a MEEQR then there was no need to even ask the second question.[33] The arguments related to the second question were not exhaustively transcribed in the decision.

These arguments may show however that at first the case was, for the parties, more about competition law than free trade and the Common Market. This would also explain why the name of the case changed. At the beginning of the *dossier* the case is referred to by the names of the Belgian companies and Dassonville. The final decision, however, refers to the Belgian State represented by the Procureur du Roi. This shift may be seen as an intention to focus the case on Article 34 (i.e., first the question), rather than on the competition side.

Parallel imports among EEC Member States were used to exploit the differences in prices between national markets. Parallel import is the situation where products bought in one country are then imported unofficially to another country and sold there. It was 'one of the most pressing concerns within the early internal market'.[34] The ECJ dealt with this situation through competition law.[35] In *Consten & Grundig,*[36] as in *Béguelin,*[37] the Court used trademark law to rule in almost the same way as if Article 34 was already into force.[38] Both of these cases were cited by the participating parties. *Consten & Grundig* was cited by the Advocate General and the Commission and *Béguelin* was cited by the Commission, the parties and in the ECJ judgment. This use of competition law by the ECJ during the transition period could also explain why, in the *dossier*, the case may be seen more as a competition case rather than about free trade.

This gives potential insights into why the Court decided to shift the focus from competition to free trade. The ECJ was only using competition law because Article 34 was not yet in place, but with *Dassonville* the Court was able to continue its protection of the internal market using the adequate tool.

4.1.3 Justification through other sources

Arguments found in the written observations are often supported by sources that are not mentioned in the Court's decision.

In Table 1 we can see that some of the sources cited in the decision are cited in more written observations than it appears. With the *dossier* we can see exactly the importance of a source for the parties and participating parties. One interesting fact regards the Dassonvilles' observations: They cite the Commission's response to the question of M. Deringer [39] without

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[33] The UK written observations (I 16) do not even mention the 2nd question.

[34] Schütze R. 'Re-reading' *Dassonville*: Meaning and understanding in the history of European law' *Eur. Law J*. 2018;24:376-407(2018).

[35] Ibid.

[36] Case C-56 and 58/64 *Établissements Consten S.à.R.L. and Grundig-Verkaufs-GmbH v Commission of the European Economic Community*, ECLI:EU:C:2010:288 [1966].

[37] Case C-22/71 *Béguelin Import Co. contre S.A.G.L. Import Export*, ECLI:EU:C:1971:113 [1971].

[38] Schütze (n 34).

[39] Written question of M. Deringer (OJ No 169/67 of 26.7.1967).

attribution.[40] In the Judgement, the Court has added the right reference to the argument. The Dassonvilles also quoted two paragraphs of the First Instance decision in their submission whereas the Court does not mention it beyond the preliminary questions.

There are also references to international law. Fourcroy and Breuval mentioned an agreement between France and Germany to support their argument that refusing products because they do not have certificates of origin was a widespread practice.[41] The Commission used an OECD code as well as the GATT to supports its preferred definition of a quantitative restriction.[42] The GATT, and in particular its Article 3.1, was also put forward as part of the context in which Articles 30 *et seq.* of the EEC Treaty should be interpreted. The Commission argued that the authors of the EEC Treaty had the GATT in mind whilst drafting the Treaty and that the same approach to State freedom to regulate should be taken by the Court.[43] International law seems to have played an important role, at least in the participating parties' submissions. The Paris Convention on intellectual property,[44] which was cited by all the parties in favour of the legality of the Belgian regulation, was reproduced in full in Annex VII of the UK's written observation. At 60 pages, this Convention was the longest document in the *dossier*. It is followed by the Dassonvilles' annex, which comprises 45 pages of different European countries legislation on proof of origin and examples of certificates. Therefore, International or comparative law played an important role for both sides in substantiating their reasoning.

More surprisingly, several written observations referred to sources that are not mentioned at all in the Judgment. Both Fourcroy and Breuval[45] and the Commission used legal literature to substantiate their arguments. For instance, Fourcroy and Breuval referred to Ulmer.[46] The Commission also referred to Ulmer twice.[47] The Commission also referred to other legal and economic articles to demonstrate that their legal analysis of MEEQR was well-established.[48] On the question of the unlimited power of Member States to regulate trade if the measures were applied indiscriminately to domestic and imported products, the Commission answered after a review of opposing opinions. The Commission presented and criticised one legal theory on this question.[49] It then proceeded to develop its legal reasoning, based principally on the French notion of "abus de droit". It is only the last few sentences of this paragraph that are used in the Court's Decision. The *dossier* here gives the possibility to have a more comprehensive understanding of the Commission's reasoning and legal grounds.

Work from the Commission is also cited in two written observations. Unsurprisingly the Commission referred to its own previous work on MEEQR and notably its written observations in the joined cases 51 to 54/71. The UK Government also referred to Commission work but to

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[40] *Dossier* – I 11 *Dassonville* WO, 7.

[41] *Dossier* – I 14 Fourcroy and Breuval WO, p.10. France and Germany agreement of the 8th March 1960, article 6/2.

[42] *Dossier* – I 8 Commission Written Observations, 7.

[43] *Dossier* – I 8 Commission WO, 11.

[44] *Paris Convention for the Protection of Industrial property* of 20 March 1883.

[45] *Dossier* – I 14 Fourcroy and Breuval WO, 8 and 9.

[46] Ibid 9 "Concurrence déloyale - droit comparé" No 261, 152.

[47] *Dossier* – I 8 Commission WO, p.9 "Zum Verbot mittelbarer Einfurbeschränkungen im EWG-Vertag' A.W.D July-Auguest 1973, 349.

[48] Ibid 'les mesures d'effet équivalent au sens des articles 30 et suivants du Traité de Rome", Revue Trimestrielle de droit européen, 4eme année, No 2, mars-avril 1968.

[49] Ibid 12 "Vorloren van Themaat dans la revue « Social Economische Wetgeving » No 11/12, 1967, 632".

express its disagreement.[50] The UK denounced the opinion expressed by the Commission in one of its Working Papers.[51] The UK considered that the Commission's definition of MEEQR 'represents an unwarrantable extension of the clear words of the Treaty'.[52] It also underlined the non-binding force of the working paper. This is particularly interesting to note in light of the fact that the UK was a new Member State. The UK had only acceded to the EEC a year prior to the decision and was still a third country when the facts occurred. Moreover, Article 34 did not yet have direct effect in the UK.[53] This seems to show the will of the UK to be involved in the development of EEC regulations and risk tensions with the Commission.

4.2 Actors and institutions

Table 4: The Cast of the *Dassonville* case.

<table>
<tr><th>Belgian law is a MEEQR</th><th>Belgian Law is NOT a MEEQR</th></tr>
<tr><td colspan="2">Parties</td></tr>
<tr><td>Benoit and Gustave Dassonville (French)
Wholesalers in France and Belgium</td><td>S.A. ETS. Fourcroy and S.A. Breuval (Belgian companies). Exclusive importers and distributors of Whisky in Belgium</td></tr>
<tr><td>Lawyer: Roger Strowel (Belgian) - lawyer at the Brussel's Appeal Court</td><td>Lawyer: Jean Dassesse (Belgian) - lawyer at the Belgian Court of Cassation</td></tr>
<tr><td colspan="2">Participating parties and their representatives</td></tr>
<tr><td rowspan="2">The Commission (Pdt Ortoli)
-René-Christian Béraud (French)
Bio: Main legal advisor for the 1989 Commission (Pdt Delors). Legal Advisor for the Commission in ECJ Case 152/78 - Advertising of Alcoholic Beverages. EC Com. V France. 10.7.1980 (on MEQR)
-Dieter Oldekop (German)
Bio: 1969-1980 counsellor at the Commission Legal Services. 1980-1998 different mission for the Commission in Latin America</td><td>United Kingdom
William Henry Godwin (British)
Bio: Assistant Treasury Solicitor. Also, agent in ECJ Case 31/77 and 53/77 - EC Com. V UK. 21.5.1977</td></tr>
<tr><td>Belgium
Ministry of foreign affairs (no particular name)</td></tr>
<tr><td colspan="2">Other participants</td></tr>
<tr><td>Advocate General Alberto Trabucchi (Italian)</td><td></td></tr>
</table>

[50] *Dossier* I 16 UK WO, 4.

[51] Ibid, "Working Paper No 191/XI/74-E of 19 February 1974".

[52] Ibid 5.

[53] Schütze (n 34).

Professor of Law in Padova and Venezia since 1928. Judge at the ECJ from 1962 to 1972 and Avocat Général from 1973 to 1998	

This table shows who the actors involved in the case were and offers a small, selective biography, which includes their nationality. The left side shows actors who argued that the Belgian regulation was a MEEQR. The right side shows actors who argued the Belgian regulation was legal and not a MEEQR.

The main language of the *dossier* is French. The language of the Court being French and the nationalities of the parties had a great influence on that. However, the written observations of the UK are in English. These observations were received by the Court on 6 May 1974, just a day before the registrar sent all the written observations to the parties and Member States. The UK observations were thus sent in English to the French-speaking parties. The translation was only sent to the participating parties on 22 May 1974, alongside the Juge-Rapporteur's report. There is no trace in the *dossier* of a translation from French to English of the other written observations. There is also no trace of the translation of the Advocate General's conclusions, which are in their original language in the *dossier*, namely Italian. How and when the parties were able to access such translations is not discernable from the *dossier*.

4.2.1 The parties' lawyer

The present author did not find much about Roger Stowell, the Dassonvilles' lawyer, except that he was registered as a lawyer at the Court of Appeal in Brussels. Fourcroy and Breuval's lawyer, on the other hand, was relatively more famous and had had a prolific family. Lawyer at the Belgian Court de Cassation, he was the Chairman of the Bar Association. His niece, Helène Casman, was inspired by him to study law and became a professor at the Université Libre de Bruxelles. One of his sons, Marc Dassesse, is also a professor of law and a business lawyer. His wife, Me Dassesse's daughter in law, Anne Spiritus-Dassesse, was the head judge of the commercial court of Brussels. However, his life was not solely dedicated to law. Jean Dassesse was also an artist a sculptor, using the pseudonym Francesco-Pablo Gidez.

4.2.2 Commission and Member States representatives

The Commission and the UK representatives continued their careers as legal advisors. René-Christian Béraud advised the Commission and William Henry Godwin advised the UK on later ECJ cases. In Béraud's case, it was again a dispute on the free movement of Alcoholic beverages and MEEQR.[54] In W. H. Goodwin's case, he represented the UK representative in a dispute between the UK and the Commission regarding temporary aid to pig producers.[55]

[54] Case 152/78 *Commission of the European Communities v French Republic*, ECLI:EU:C:1980:187 [1980].

[55] Case 31/77 and 53/77 C*ommission of the European Communities v United Kingdom of Great Britain and Northern Ireland* and *United Kingdom of Great Britain and Northern Ireland v Commission of the European Communities*, ECLI:EU:C:1977:86 [1977].

4.2.3 Judges of the court

Table 5: Judges for the case and selected biography

The court		
President	**R.Lecourt** (French)	Former Ministry of Justice in France and member of the Conseil Constitutionnel. Judge at the ECJ from 1962 to 1967, he was Rapporteur in the Costa v ENEL case. President of the Court from 1967 to 1976.
Presidents of the chamber	**A. M. Donner** (Dutch)	Judge at the ECJ from 1958 to 1979. President of the Court from 1958 to 1964.
	M. Sørensen (Danish)	Judge at the ECJ from 1973 to 1979
Judges	**R. Monaco** (Italian)	Judge at the ECJ from 1964 to 1976
	J. Mertens de Wilmars (Belgian)	Judge at the ECJ from 1967 to 1980. President of the Court from 1980 to 1984.
	P. Pescatore (Luxembourgish)	Judge at the ECJ from 1967 to 1985
	H. Kutscher (German)	Judge at the ECJ from 1970 to 1976. President of the Court from 1976 to 1980.
	C. Ó Dálaigh (Irish)	Judge at the ECJ from 1973 to 1974. President of Ireland from 1974 to 1976
Rapporteur	**A. J. Mackenzie Stuart** (Scottish)	Judge at the ECJ from 1973 to 1988. President of the Court from 1984 to 1988.
Registrar	**A. Van Houtte** (Belgian)	Registrar of the ECSC Court from 1953 to 1958. Registrar of the ECJ from 1958 to 1982

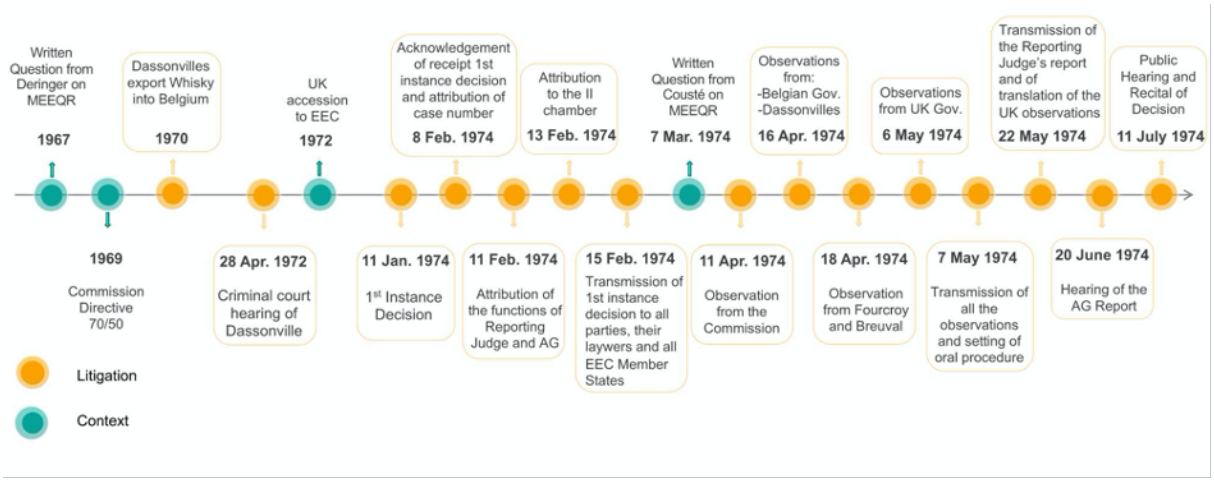
One of the presidents of the Chamber, Max Sørensen, had a career in international law. Like Riccardo Monaco, he was, *inter alia*, a member of the international law society and a member of the Permanent Court of Arbitration. This demonstrates their knowledge of international law and economic law in addition to EEC law.

The Juge-Raporteur, Judge Mackenzie, was the first judge from the UK to sit at the ECJ. He was appointed in 1973 just a year prior to *Dassonvill*e. During his time at the ECJ, he worked on overcoming scepticism regarding the compatibility of the British and EEC legal systems.[56]

[56] Lord Cameron of Lochbroom, 'Lord Mackenzie-Stuart -Scots lawyer dedicated to European ideal became president of the Court of Justice' (2000) < https://www.theguardian.com/news/2000/may/25/guardianobituaries3> accessed 19 June 2020.

4.3 Procedures and Case Management

Figure 1: Timeline of the *Dassonville* case



In the written procedure we can find first the First Instance judgement, which seems logical. However, immediately afterwards, we find the annexes of the UK government's written observations. These annexes are composed of British customs information and sources such as written question to the Commission or Belgian law. This feels misplaced since the UK written observations are not in the Written Procedure but in the Instruction part with the other observations.

In the instruction we can find letters of nomination (judges, chamber) and first exchanges with the parties and Member States. This part is more or less presented in a chronologic manner. Throughout the months of instruction lawyers were sending proof that they were registered with a bar council. The main component of the Instruction part are the written observations and their annexes.

It is in the oral procedure that we find most of redacted pages. We can see that the Court asked further question to the UK Government and the Commission, but we do not have the answers. The one exception is an annex of the Commission's answer, which is a table about exports of Scotch and Irish whiskies. Strangely, the UK written observations and annexes are again present in this part.

Through the *dossier* we learn that the time of the hearing of the AG conclusions was changed, which led to the absence of M. Strowel, the Dassonvilles' lawyer.

Thanks to the mailing letters we can see which documents the Registrar provided to the parties and all EEC Members: the First Instance decision, the written observations, the report from the Juge-Rapporteur and the Court's decision.

5. Concluding reflections on the added value of the *dossier*

5.1 MEEQR, an ongoing topic in the EEC.

The *dossier* provides several indications that put the *Dassonville* case in context. In fact, references to other sources demonstrates how the definition of MEEQR was at the time a topic of interest for all EEC institutions. The ECJ formula was not created out of the blue but was part of a broader discussion.

The Written Questions to the Commission, from M. Deringer[57] and M. Cousté,[58] are cited as sources in the Court's Decision. The *dossier* shows even more the importance of those Questions since we can see from the written observations and their annexes that they were actually cited by more participating parties than appears in the Judgment. The question from M. Deringer (169/67) is also cited in the Commission's observations. The question by M. Cousté is referenced in the Fourcroy and Breuval's observations. Additionally, Fourcroy and Breuval make reference to another Written Question to the Commission that is not mentioned in the Judgment.[59] These Questions to the Commission show how the MEEQR were already a discussed and important topic for the EEC institutions.

Moreover, the Commission's observations show deep analysis and demonstrate the work already done by the Commission on the question of MEEQR. We learn, for example, that the Commission was conducting a pilot procedure on exclusivity contracts. Working with a French distributor of Scotch whisky, it was making several modifications to the contract so that it was adapted to comply with the provisions of Article 85.3 of the Treaty.[60] We have also mentioned above that the UK referred to a Commission Working Paper on the topic. The question from the Court to the Commission regarding other complaints in the importation of products with protected designation of origins demonstrates as well the importance of putting this question in an EEC context and not as an exclusively Belgian problem. All this, in addition to the strong presence of Commission Directive 70/50,[61] allows us to see the case as more of an ongoing process as opposed to a one-off event.

The Commission was not the only one defining MEEQR at that time. This, however, is not explicitly identified in the *dossier*. The legal context of *Dassonville* shows the ongoing work of the ECJ on the matter. Article 34, on which the case is based, had only been in force for four years at the time of the judgement.[62] The first case on this article was *International Fruit*.[63] This case was abundantly cited by the participating parties. Three of the four written observations referred to it. In this case the ECJ was already starting to provide its own definition, notably by stating that only a potential effect on trade was sufficient to be identified as a MEEQR.[64] In 1973 the Court went further in the *Geddo v Ente Nazionale Risi* case.[65] In this case the ECJ was already providing an abstract judicial definition of MEEQR.[66] Surprisingly, this case is cited neither by the participating parties nor the ECJ. The absence of reference to this case, especially by the Court, leads to the question 'what were the Court's intellectual and textual inspirations?'[67] One can hypothesise that the Court's goal was to give a strong and definitive definition of MEEQR. Firstly, by giving a short and abstract ruling the Court produced what can be seen as a *formula*. Secondly, the case was first assigned to the Second Chamber but was finally decided by the Full Court.[68] This shows that Juge-Rappoteur Mackenzie Stuart must

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[57] Written question of M. Deringer (OJ No 169/67 of 26.7.1967) and Written Question of M. Deringer No 118/66-67 (OJ No 9 of 17 January 1967, p.122/67 and OJ No 59 of 29 March 1967, 901/67).

[58] Written Question of M. Cousté (OJ No 189/73 of 7.3.1974).

[59] Written Question 197/69, OJ C151 du 26 Novembre 1969.

[60] *Dossier* – I 8 Commission WO, 3.

[61] Cited by all the participating parties except of the UK.

[62] Schütze (n 34).

[63] Ibid.

[64] Ibid.

[65] Case 2/73 *Riseria Luigi Geddo contre Ente Nazionale Risi*, ECLI:EU:C:1973:89 [1973].

[66] Schütze (n 34).

[67] Ibid.

[68] Ibid.

have, at some point, decided or realised that this case was important, maybe because it was an opportunity for the ECJ to give its interpretation of Article 34. Knowing that all Member States were able to submit written observation it is surprising that France did not get involved in the case. This could be explained by the fact that, at first, the case was maybe not seen as important as it turned out to be. The lack of textual inspiration, and in particular the absence of reference to the Directive 70/50, might be explained by the divergent MEEQR definition that the Court took. This would add to the case being seen as important by the judges.

Nevertheless, it demonstrates that *Dassonville* as a landmark case must be placed in the context of an ongoing discussion on the scope of Article 34. Many EEC institutions were involved: The Commission with the Directive, the Parliament with the Written Question and the ECJ with several cases.

5.2 Technicity of defining an MEEQR

The decision is less factual and more focused on the mechanics of EEC law than the *dossier*. For example, the argument that the certificate of designation of origin needed to mention the name of the Belgian importer was a key element in both the Dassonvilles' and the Commission's submissions. It shows both that the proper certification was impossible to obtain for the Dassonvilles and the effect of the monopoly for Fourcroy and Breuval. This detail is not developed in the Judgment even though it is presented as a major element in the observations.

In addition, the annexes of the UK observations are found at several points in the *dossier*. This shows their significance and thus the importance of the actual procedure of certification of designations of origin. Moreover, the Commission and the Dassonvilles insisted on other measures that could have been used to achieve the aim of protecting designations of origin. The Dassonvilles' annex is 45 pages of different certificates of origin in Europe, this provides several examples of other means of protection that are less trade restrictive. We can also see the importance of such technical issues with the question from the Court to the UK government. The Court asks for more precision on 'what would amount to sufficient details' for the UK Government. This question related to the UK observation's annex IV that presented the UK's Regulation. The part relevant to the question is marked manually by a line from a red pen. It states that a person outside of the UK can require a certification providing that they give 'sufficient details' of the consignment. Unfortunately, we do not have the answer to the question in the *dossier*. The *dossier* gives thus a great insight into all the documents needed to show the existing practices of both the UK and Belgium in order to determine if the Royal Decree was a MEEQR.

Annex: List of documents in *Dassonville dossier*

	Type of document	Institution	Reference Number	Number of pages
Written procedure				
WP 1	1st instance decision - Preliminary question - 11/01/1974	Tribunal de 1ere instance de Bruxelles	8/74-I - Parquet: N 61.97.1241/71	5
WP 2	Dassonville's Subpoena	Procureur du Roi	N 61.97.1241/71	1
WP 3 - UK Annex II	Certificate for scotch whisky exported to Belgium	Member State		1
WP 4 - UK Annex II	Whisky certificate of age	Member State		1
WP 5 - UK Annex IV	Info on UK's certificate of origin	Member State		1
WP 6 - UK Annex V	Written question of M. Deringer to the Commission and answer	Commission	Question n118 - JO des CE 122/7 le 17/1/1967 et 901/67 le 29/3/1967	4
WP 7 - UK Annex V	Written question of M. Cousté to the Commission and answer	Commission	Question n189/73 - JO des CE C22/9 le 7/3/1974	2
WP 8 - UK Annex VII	Paris Convention for the Protection of Industrial Property	Member State		60
WP 9 - UK Annex I	Belgian Law of 1927, 1935 and 1949 on designation of origins	Member State	'exhibit A', 'exhibit B' et 'exhibit C'	6
WP 10 - Letters to Registrar	Letters to the Registrar certifying the registration of M. Dassesse to the Belgian Cour de Cassation	Parties		2
WP 11 - Letters to Registrar	Letter in German	Registrar	Registrar No 54156	1
WP 12 - Letters to Registrar	Letter to the Registrar from the Belgian State Prosecutor	Procureur du roi	Registrar No 54301	1

WP 13 - Letters to Registrar	Letter to the Registrar from the UK Government to modify written observations	Member State	Registrar No 54382	1
Instruction				
Instruction - Page 92 to 101 not available				9
I 1 - acknowledgement of receipt	Acknowledgement of receipt of the 1st instance preliminary question	Registrar	Registrar No 52515	1
I 2 - mailing of the 1st instance decision	Letter from the Registrar to the Commission mailing the 1st instance preliminary question	Registrar	Registrar No 52516	1
I 3 - nomination Letters	Letter from the President of the court, M. Lecourt, nominating the Avocat Général and Juge Rapporteur	President of the Court	Registrar No 52634 and 52635	2
I 4 - Chamber assignation	Letter from the President of the court assigning the case to the II chamber	President of the Court	Registrar No 52636	1
I 5 - mailing of the 1st instance decision	Letters from the Registrar to the parties, their lawyers and EU Member States	Registrar	Registrar No 52694 to 52705	14
I 6 - letters concerning a change of lawyer	Letter from the Registrar notifying the death of one of the lawyer and answer from the new lawyer	Registrar/Parties	Registrar No 52854 ; 52846 and 53094	3
I 7 - nomination of Commission's agents	letter naming the Commission's representatives	Commission	Registrar No 54059	1
I 8 - written observations	Commission's written observations	Commission	JUR/913/74 - Registrar No 54060	25
I 9 - written observations	Belgian Government's written observations	Member State	Registrar No 54068	10
I 10 - letters to the Registrar	letter from Bruxelles' Bar Council certifying the registration of M. Strowel	Parties	Registrar No 54069	1
I 11 - written observations	Dassonville's written observations sent by their Lawyer M. Strowel	Parties	Registrar No 54070	19

I 12 - Dassonville observations' Annex	Dassonville observations' Annex regarding different custom's rights and procedures	Parties		45
I 13 - letters to Registrar	letter from the Bar Council certifying the registration of M. Dassesse	Parties	Registrar No 54089	1
I 14 - written observations	Fourcroy and Breuval's observations sent by their lawyer, M. Dassesse	Parties	Registrar No 54090	13
I 15 - Fourcroy and Breuval's observations Annex	Fourcroy and Breuval's observations Annex regarding the list of designation of origins protected by Belgian law	Parties		19
I 16 - written observations	UK Government written observations	Member State	Registrar No 54379	9
I 17 - UK's observations Annex	UK's written observations annex regarding Belgian law on protection of designation of origins	Member State		7
Oral Procedure				
PO 1 - letters mailing observations	Letters from the Registrar mailing a copy of each written observations to the others. Information on the date of the hearing.	Registrar	Registrar No 54386 to 54399	14
PO 2 - questions from the Court	Questions asked by the Court to the Commission and the UK Government. Letters sent to all parties	Registrar	Registrar No 54445 to 54451	8
PO 3 - confirmation of attendance to the hearing	Letters regarding the nomination of the UK's representative and confirmation of his presence to the hearing	Member State	Registrar No 54635	3
PO 4 - confirmation of attendance to the hearing	Letters regarding the confirmation of attendance to the hearing of M. Dassesse and his intern	Parties	Registrar No 54700	2
PO 5 - letters mailing the Juge Rapporteur's report	Letters from the Registrar mailing the Juge Rapporteur's report and the translation of the UK's written observations	Registrar	Registrar No 54702 to 54715	14

PO 6 - hearing report	Hearing report by Juge Rapporteur A.J. Mackenzie Stuart	Court		25
Pages 70 to 164 not available				94
Pages 165 to 210 not available				45
PO 7 - Commission's Annex	Annex of Commission's answer to the Court's question - numbers of whisky exports	Commission		1
Pages 212 to 236 not available				24
PO 8 - written observations	UK government's written observations	Member State	Registrar No 54379	9
PO 9 - UK's observations Annexes	UK's observations Annexes	Member State		17
PO 10 - fixing of the public hearing's date	letters from the Registrar fixing the public hearing's date and mailing the Avocat Général conclusions	Registrar	Registrar No 54882 to 54886	5
PO 11 - modification of the hearing's time	Letters from the registrar modifying the time of the hearing of the Avocat Général conclusions	Registrar	Registrar No 55167 to 55171	5
PO 12 - letters to the Registrar	letter from M. Strowel apologizing for his absence to the hearing following the change of time	Parties	Registrar No 55303	1
PO 13 - Avocat Général's conclusions	Avocat Général's conclusions (in Italian)	Court		24
Decision				
A 1 - letters fixing the hearing of the Court's decision	Letters from the Registrar fixing the public hearing of the Court's decision	Registrar	Registrar No 55561 to 55565	5
A 2 - mailing of the decision	Letters from the Registrar mailing a copy of the decision	Registrar	Registrar No 55658 to 55659	3
A 3 - Decision		Court		37

A 2 bis - mailing of the decision	Letters from the Registrar mailing a copy of the decision	Registrar	Registrar No 55660 to 55670	10