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THE CASE „CASSIS DE DIJON“

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Abstract

The case about the export of the French liqueur "Cassis de Dijon" to Germany helped the free movement of goods in the single market of the European Union and the establishment of the principle of mutual recognition.



The case of the French liqueur „Cassis de Dijon“ has helped for the free movement of goods in the single European market

The application of the **principle of mutual recognition** is the one of the foundational principles of the single market of the European Union. It allows the goods, which are manufactured or sold lawfully in one-Member state of the EU, to flow freely in other member states. Their labels should give consumers the necessary information about their content, so that consumer may make their choice. The Court of Justice has played a significant role in the affirmation of this principle and has contributed for the actual establishment of the European single market.

So how did this trade principle come into being? What is the story of this brand of French liqueur?



The classic case, which affirmed the principle of mutual recognition, is about a French liqueur. The German company Rewe Zentral AG intends to import French blackcurrant liqueur to Germany – “Cassis de Dijon” in order to release it on the market. However, the German Administration for Spirits monopoly informed the company that this drink could not be sold in Germany due to a shortage of alcohol content in the French liqueur - 20^o alcohol by volume (ABV). The liqueur is sometimes even with only 16 per cent ABV. The administration bases its decision on a German provision, prohibiting the placing on the market in Germany of fruit liqueurs with an alcoholic strength of less than 25 percent ABV.

On the other hand, Rewe Zentral AG is convinced that this requirement of German legislation on minimum alcohol content creates an obstacle to the free movement of goods within the common European market.

That is why it filed a lawsuit in the court of Hesse, Germany.

In order to resolve the dispute, the Court of Hesse sought the opinion of the Court of Justice of the European Union (then the Court of Justice of the European Communities). The German administration refers to EU law, which allows the introduction of restrictions on the free movement of goods by Member States in cases where public health, national wealth and morals must be protected. In this case, the explanation was that lower alcohol content could more easily cause an alcohol addiction than beverages with a higher alcohol content, and the ban on the import of liqueur aims to protect public health.



In answer to the questions referred to it, the Court hereby rules:

- If the relevant health and safety requirements are met, then goods that are legally produced and sold in one Member State can move freely and be sold in any other EU Member State.

- In this case, the arguments of the German administration related to the protection of public health from low-alcohol beverages are unfounded.

Thus, the French liqueur "Cassis de Dijon" was admitted to the German market, despite its lower alcohol content. And German consumers are just as well informed as French consumers, because the label says what the alcoholic strength of the liqueur is.

Through the decision on this case and a number of others, similar to it, the principle of mutual recognition has been established in the single market of the European Union, which also gained popularity as the "Cassis de Dijon principle"

Conclusion:

There is a **principle of mutual recognition** in the single market of the European Union. It is applied to the **free movement of goods**. According to it, when there are no

harmonized rules at European level, products legally marketed in one Member State may be sold in other Member States.

It is important to emphasize that the application of this principle requires [great deal of trust between the Member States](#). Consumers in each EU Member State must be sure that the goods produced in another Member State meet the safety and security requirements and that the information provided on their labels is accurate and comprehensive. This way they would be sure, that their rights are protected and that the products they buy are safe.