



# **Exception rule of Article 30 EC**

## **Relation between Articles 28 and 30 EC**

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# Derogation from articles 28 and 29 EC

- **Justifications under article 30 EC**
- **Mandatory requirements**

# The principle of proportionality

**The importation and marketing of products lawfully produced and marketed in another Member State may only be restricted, in the absence of harmonisation by such national measures where they:**

- **are necessary in order to satisfy mandatory requirements or derogations provided for by article 30 EC,**
- **are proportionate to the desired objective, and**
- **are the means of achieving that objective which least hinders trade.**

# The prohibition of discrimination

**Prohibitions or restrictions to intra-community trade shall not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.**

# **Derogations of article 30 EC - an exhaustive list of grounds for derogations**

- **public morality,**
- **public policy**
- **public security**
- **protection of the health and life of humans, animals and plants**
- **protection of national treasures possessing artistic, historic or archaeological value,**
- **protection of industrial and commercial property**

# **Mandatory requirements - non-exhaustive list of protected interests**

- **fairness of commercial transactions and consumer protection,**
- **improvement of working conditions**
- **protection of the environment**