



Luxembourg, 1 February 2016

PRESS RELEASE 01/2016

Judgment in Case E-17/15 *Ferskar kjötvörur ehf. v The Icelandic State*

FREEZING OF IMPORTED MEAT CANNOT BE REQUIRED UNDER EEA LAW

In a judgment delivered today, the Court answered questions referred to it by the District Court of Reykjavík (*Héraðsdómur Reykjavíkur*). The questions concerned whether the present authorisation procedure for the import of raw meat products is compatible with the EEA Agreement, and in particular Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (“the Directive”).

Ferskar kjötvörur ehf. (“the plaintiff”) imported 83 kg of raw beef fillets from the Netherlands to Iceland. An import permit was granted, *inter alia*, on the condition that the meat was stored frozen for one month before customs clearance. The plaintiff did not comply, and the meat was subsequently discarded. The plaintiff brought proceedings before the District Court of Reykjavík, seeking compensation from the Icelandic State (“the defendant”) for the expenses incurred. The District Court decided to refer to the Court questions on whether an EEA State has discretion to set rules on the import of raw meat products regardless of the provisions of the EEA Agreement, and if not, whether the Icelandic import requirements for raw meat products were compatible with the Directive.

The Court noted that raw meat products fall outside the scope of the rules on the free movement on goods as defined in Article 8 EEA, unless otherwise provided for in the Agreement. Certain legal acts dealing with aspects of trade in agricultural and fish products have been incorporated in annexes to the EEA Agreement. For example, the Directive has been incorporated in Annex I (veterinary and phytosanitary matters). Following the adoption of EEA Joint Committee Decision No 133/2007, the acts included in Chapter I of Annex I apply to Iceland unless an adaptation text states otherwise. In relation to the Directive no adaptation text has been agreed. Thus it applies to Iceland and it limits the discretion to set rules on the import of raw meat products.

The Directive seeks to ensure that veterinary checks are carried out at the place of dispatch only. Under Article 5 of the Directive, veterinary checks in the State of destination are only allowed as veterinary spot-checks or, in the event of suspicion of irregularity, while the goods are in transit. The Court held that the import requirements at issue went beyond these limits, since they were regular and systematic. They are therefore incompatible with the Directive.

As to the defendant’s argument that its geographical isolation and the immunological vulnerability of its animal population should be taken into account when interpreting the Directive, the Court noted that, as opposed to the import of live animals, no adaptation for import of raw meat has been made.

The Court consequently held that an EEA State may not require an importer of raw meat products to apply for a special import permit including the submission of a certificate confirming that the meat has been stored frozen for a certain period prior to customs clearance.

The full text of the judgment may be found on the Internet at: www.eftacourt.int.

This press release is an unofficial document and is not binding upon the Court.