

Annex: Free Movement Cases, 1974–2013

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
1974	C-16/74	Centrafarm (1)	Goods	Yes	No	No		No		Intellectual property	No		No	No	Serious	NL	Yes	9
		Centrafarm (2)	Goods	Yes	No	No		No		Intellectual property	No		No	No	Serious	NL	Yes	9
1974	C-8/74	Dassonville	Goods	Yes	No	No		No		Consumer protection	No		No	No	Medium	BE	No	9
1974	C-192/73	Van Zuylen	Goods	Yes	No	No		No		Intellectual property	No		No	No	Serious	LUX	No	9
1974	C-41/74	Van Duyn	Workers	Yes	No	Yes	Full (Public policy)	No		Public policy	Medium		No	Direct	Serious	UK	No	9
1974	C-167/73	Commission v France	Workers	Yes	No	No		—		Other	High		No	Direct	Serious	—	—	9
1974	C-152/73	Sotgiu	Workers	Yes	No	No		No		Social policy	Medium		No	Indirect	Light	DE	Yes	9
1974	C-2/74	Reyners	Establishment	Yes	No	No		No		Liberal professions/ Prof. qualifications	No	No	No	Direct	Serious	BE	Yes	9
1974	C-33/74	Van Binsbergen	Services	Yes	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	NL	Yes	9
1979	C-110/78	Van Wesemael	Services	Yes	No	No		Yes	Guidelines (Equivalence of control)	Liberal professions/ Prof. qualifications	No		No	Direct	Serious	BE	No	9
1979	C-115/78	Knoors	Establishment	Yes	No	No		No		Liberal professions/ Prof. qualifications	High	No	No	Indirect	Medium	NL	Yes	9
1979	C-136/78	Auer	Establishment	No	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	FR	No	9
1979	C-120/78	Rewe Zentral AG ('Cassis de Dijon')	Goods	Yes	Yes	No		No		Consumer protection	No	No	No	No	Serious	DE	No	9
1979	C-119/78	Grandes Distilleries Peureux	Goods	Yes	No	No		No		Other	No		No	Direct	Medium	FR	No	9
1979	C-179/78	Rivoira (1)	Goods	Yes	No	No		No		Other	High		No	No	Serious	FR	No	3
		Rivoira (2)	Goods	Yes	No	No		No		Other	High		No	No	Serious	FR	No	3
		Rivoira (3)	Goods	Yes	No	No		No		Other	High		No	No	Serious	FR	No	3
1979	C-175/78	Saunders	Workers	No	No	No		No		Public policy	No		No	No	Serious	UK	No	9
1979	C-231/78	Commission v UK	Goods	Yes	No	No		—		Other	No		No	Direct	Serious	—	—	9
1979	C-2/78	Commission v Belgium	Goods	Yes	Yes	Yes	Full (Necessity)	—		Consumer protection	No	Yes (Pro-MS)	No	No	Light	—	—	7
1979	C-153/78	Commission v Germany	Goods	Yes	Yes	No		—		Public health	Medium		No	Direct	Serious	—	—	9
1979	C-232/78	Commission v France	Goods	Yes	No	No		—		Other	No		No	Direct	Serious	—	—	7

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1979	C-5/79	Buijs	Goods	Left to NC	No	No		No		Other	High		No	No	Medium	FR	No	7
1979	C-159/78	Commission v Italy (1)	Goods	No	No	No		—		Other	No	Yes (Anti-MS)	No	No	Light	—	—	7
		Commission v Italy (2)	Establishment	Yes	No	No		—		Other	No	Yes (Anti-MS)	No	Direct	Serious	—	—	7
1979	C-16/79	Danis	Goods	Left to NC	No	No		No		Other	High		No	No	Medium	BE	Yes	7
1979	C-251/78	Denkavit Futtermittel (1)	Goods	Yes	Yes	No		Yes	Guidelines (De Peijper criteria)	Public health	No	Yes (Anti-MS)	No	No	Medium	DE	No	7
		Denkavit Futtermittel (2)	Goods	Yes	Yes	No		Yes	Guidelines (Whole PA)	Public health	No	Yes (Anti-MS)	No	No	Medium	DE	No	7
1979	C-34/79	Henn and Darby	Goods	Yes	No	Yes	Full (Public morality)	No		Public morality	No	No	No	No	Serious	UK	Yes	7
1984	C-40/82	Commission v UK (1)	Goods	Yes	Yes	No		—		Animal health	Medium	No	No	No	Serious	—	—	11
		Commission v UK (2)	Goods	Yes	Yes	Yes	Full (Balancing)	—		Animal health	No	No	No	No	Medium	—	—	11
		Commission v UK (3)	Goods	Yes	No	No		—		Animal health	No	No	No	No	Medium	—	—	11
1984	C-74/82	Commission v Ireland (1)	Goods	Yes	Yes	No		—		Animal health	Medium	No	No	No	Serious	—	—	11
		Commission v Ireland (2)	Goods	Yes	Yes	Yes	Full (Balancing)	—		Animal health	No	No	No	No	Medium	—	—	11
1984	C-286/82	Graziana	Multiple	Yes	No	No		No		Other	Medium		No	Indirect	Medium	IT	No	9
1984	C-237/82	Jongeneel Kaas	Goods	No	No	No		No		Consumer protection	Medium		No	No	Serious	NL	No	9
1984	C-238/82	Duphar	Goods	Left to NC	No	No		No		Public health	No	No	No	Unclear	Medium	NL	No	11
1984	C-202/82	Commission v France	Goods	No	No	No		—		Consumer protection	No		No	No	Light	—	—	11
1984	C-247/81	Commission v Germany	Goods	Yes	Yes	No		—		Public health	Medium		No	Direct	Serious	—	—	7
1984	C-16/83	Prantl	Goods	Yes	Yes	No		No		Consumer protection	Medium	No	No	Indirect	Medium	DE	No	9
1984	C-50/83	Commission v Italy	Goods	Yes	Yes	No		—		Road safety	Medium		No	Indirect	Serious	—	—	7
1984	C-177/82	Van de Haar	Goods	Left to NC	No	No		No		Other	No		No	No	Medium	NL	No	3
1984	C-97/83	CMC Melkunie (1)	Goods	Yes	Yes	No		No		Public health	No	Yes (Pro-MS)	No	No	Serious	NL	Yes	5
		CMC Melkunie (2)	Goods	Yes	Yes	Yes	Partial (Consumption habits/risk assessment)	Yes	Guidelines (Consumption habits/risk assessment)	Public health	No	Yes (Pro-MS)	No	No	Serious	NL	Yes	5
1984	C-180/83	Moser	Workers	No	No	No		No		Other	No		No	No	Serious	DE	No	9
1984	C-238/83	Meade	Workers	No	No	No		No		Social policy	Medium		No	Indirect	Medium	FR	No	3

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1984	C-72/83	Campus Oil	Goods	Yes	Yes	No		Yes	Guidelines (Risk assessment/ necessity)	Public security	Medium		No	Direct	Medium	IRL	No	9
1984	C-51/83	Commission v Italy	Goods	Yes	Yes	No		—		Consumer protection	No	Yes (Anti-MS)	No	No	Medium	—	—	7
1984	C-237/83	Prodest	Workers	Yes	No	No		No		Social policy	High		No	Direct	Light	FR	No	5
1984	C-107/83	Klopp	Establishment	Yes	No	No		No		Liberal professions/ Prof. qualifications	No		No	No	Medium	FR	Yes	9
1984	C-94/83	Heijn	Goods	Yes	No	Yes	Partial (Risk assessment)	No		Public health	No		No	No	Medium	NL	No	7
1984	C-177/83	Kohl	Goods	Yes	No	No		No		Intellectual property	No		No	Direct	Medium	DE	No	9
1984	C-182/83	Fearon	Establishment	Left to NC	No	No		No		Other	No		No	Indirect	Serious	IRL	Yes	7
1984	C-251/83	Haug-Adrion	Multiple	No	No	No		No		Other	No		No	Indirect	Light	DE	No	3
1989	C-341/87	EMI Electrola	Goods	Yes	No	Yes	Full (Balancing)	No		Intellectual property	No		No	No	Serious	DE	No	5
1989	C-274/87	Commission v Germany	Goods	Yes	Yes	No		—		Public health	Medium		No	No	Serious	—	—	9
1989	C-215/87	Schumacher	Goods	Yes	Yes	No		No		Public health	Medium		No	Indirect	Serious	DE	No	3
1989	C-389/87	Echternach	Workers	Yes	No	No		No		Social policy	Medium		No	Indirect	Medium	NL	No	5
1989	C-76/86	Commission v Germany	Goods	Yes	Yes	No		—		Consumer protection	Medium		No	No	Serious	—	—	7
1989	C-25/88	Wurmser	Goods	Yes	Yes	No		Yes	Guidelines (Necessity)	Consumer protection	No		No	No	Medium	FR	No	9
1989	C-382/87	Buet	Goods	Yes	Yes	No		No		Consumer protection	Medium		No	No	Serious	FR	No	5
1989	C-266/87	Pharmaceutical Importers	Goods	Yes	Yes	Yes	Full (Necessity)	No		Public health	No		No	No	Serious	UK	No	9
1989	C-249/86	Commission v Germany	Workers	Yes	No	No		—		Public policy	High		Yes (Family life)	Direct	Serious	—	—	9
1989	C-368/87	Hartmann Troiani	Workers	No	No	No		No		Social policy	Medium			Indirect	Medium	DE	Yes	3
1989	C-305/87	Commission v Greece	Workers	Yes	No	No		—		Other	High			Direct	Serious	—	—	7
1989	C-33/88	Allué	Workers	Yes	No	No		No		Other	Medium		No	Indirect	Medium	IT	No	5
1989	C-344/87	Bettray	Workers	No	No	No		No		Social policy	No		No	Direct	Serious	NL	Yes	9
1989	C-141/88	Jordan	Workers	Yes	No	No		No		Social policy	High	No	No	No	Light	FR	Yes	3
1989	C-395/87	Tournier	Multiple	Yes	No	No		No		Intellectual property	No		No	No	Medium	FR	No	7
1989	C-212/88	Levy	Goods	Yes	No	No		No		Other	No		No	Indirect	Medium	FR	No	3

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1989	C-125/88	Nijman	Goods	Yes	No	Yes	Full (Risk assessment)	No		Public health	Medium	No	No	No	Serious	NL	No	3
1989	C-145/88	Torfaen Borough Council	Goods	Yes	Yes	No		Yes	Guidelines (Balancing)	Other	Medium		No	No	Light	UK	No	5
1989	C-186/88	Commission v Germany	Goods	Yes	No	No		—		Public health	High		No	Unclear	Light	—	—	7
1989	C-379/87	Groener	Workers	Yes	Yes	No		Yes	Guidelines (Balancing)	Other	Unclear		No	Indirect	Medium	IRL	No	11
1989	C-3/88	Commission v Italy	Multiple	Yes	Yes	No		—		Other	No		No	Indirect	Serious	—	—	7
1989	C-49/89	Corsica Ferries	Services	No	No	No		No		Other	No		No	Indirect	Medium	FR	Yes	3
1994	C-315/92	Verband Sozialer Wettbewerb	Goods	Yes	Yes	No		No		Consumer protection	High	Yes (Anti-MS)	No	No	Medium	DE	No	5
1994	C-319/92	Haim	Establishment	Yes	No	No		No		Liberal professions/ Prof. qualifications	Medium		No	Indirect	Medium	DE	Yes	7
1994	C-419/92	Scholz	Workers	Yes	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	IT	No	9
1994	C-45/93	Commission v Spain	Services	Yes	No	No		—		Other	No		No	Direct	Light	—	—	9
1994	C-375/92	Commission v Spain (1)	Multiple	Yes	No	No		—		Liberal professions/ Prof. qualifications	No		No	Direct	Serious	—	—	9
		Commission v Spain (2)	Multiple	Yes	No	No		—		Liberal professions/ Prof. qualifications	High		No	Indirect	Serious	—	—	9
		Commission v Spain (3)	Multiple	Yes	No	No		—		Liberal professions/ Prof. qualifications	No		No	No	Light	—	—	9
1994	C-80/92	Commission v Belgium	Goods	Yes	No	No		—		Other	No		No	No	Medium	—	—	9
1994	C-275/92	Schindler	Services	Yes	Yes	Yes	Full (Necessity)	No		Games of chance	No		No	No	Serious	UK	No	11
1994	C-1/93	Halliburton Services	Establishment	Yes	No	No		No		Tax law	Medium		No	Direct	Medium	NL	Yes	5
1994	C-272/91	Commission v Italy	Multiple	Yes	No	No		—		Other	Medium		No	Indirect	Serious	—	—	11
1994	C-18/93	Corsica Ferries	Services	Yes	Unclear	No		No		Other	High		No	Indirect	Medium	IT	No	13
1994	C-118/92	Commission v Luxembourg	Workers	Yes	No	No		—		Other	No		No	Direct	Light	—	—	9
1994	C-317/92	Commission v Germany	Goods	Yes	Yes	No		—		Public health	Medium		No	No	Light	—	—	9
1994	C-401/92	Tankstation 't Heukske	Goods	No	No	No		No		Other	No		No	No	Light	NL	No	5
1994	C-69/93	Punto Casa	Goods	No	No	No		No		Other	No		No	No	Light	IT	No	5
1994	C-132/93	Steen	Workers	No	No	No		No		Other	No		No	No	Medium	DE	No	3
1994	C-426/92	Deutsches Milch-Kontor	Goods	Yes	No	No		No		Other	High		No	No	Medium	DE	Yes	5
1994	C-9/93	IHT Internationale Heiztechnik	Goods	Yes	No	No		Yes	Guidelines (Risk of confusion)	Intellectual property	No		No	No	Medium	DE	No	11

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1994	C-314/93	Rouffeteau	Goods	Left to NC	No	No		No		Other	High		No	No	Serious	FR	No	9
1994	C-131/93	Commission v Germany	Goods	Yes	Yes	No		—		Animal health	Medium		No	Direct	Serious	—	—	5
1994	C-379/92	Peralta	Multiple	No	No	No		No		Other	High		No	No	Medium	IT	No	7
1994	C-17/93	Van der Veldt (1)	Goods	Yes	Yes	Yes	Partial (Risk assessment)	No		Public health	No	No	No	No	Serious	BE	No	5
		Van der Veldt (2)	Goods	Yes	Yes	No		No		Public health	Medium	Unclear	No	No	Light	BE	No	5
1994	C-43/93	Vander Elst (1)	Services	Yes	No	No		No		Other	No		No	No	Medium	FR	No	13
		Vander Elst (2)	Services	Yes	No	No		No		Other	No		No	Indirect	Medium	FR	No	13
1994	C-293/93	Houtwipper	Goods	Yes	No	Yes	Full (Necessity)	Yes	Guidelines (Equivalence of control)	Other	No	No	No	Indirect	Medium	NL	No	5
1994	C-249/92	Commission v Italy	Goods	Yes	No	No		—		Other	High		No	Unclear	Medium	—	—	9
1994	C-55/93	Van Schaik	Multiple	Yes	No	Yes	Full (Equivalence of control)	No		Road safety	Medium		No	Indirect	Serious	NL	Yes	5
1994	C-323/93	Centre d'insémination de la Crespelle	Goods	Yes	Yes	No		No		Animal health	High		No	No	Light	FR	Yes	9
1994	C-165/91	Van Munster (1)	Workers	No	No	No		No		Social policy	High		No	Indirect	Medium	BE	No	13
		Van Munster (2)	Workers	Yes	No	No		No		Social policy	No		No	Indirect	Medium	BE	No	13
1994	C-23/93	TV10	Services	Yes	No	No		No		Other	No		Yes (Freedom of expression)	No	Medium	NL	Yes	5
1994	C-381/93	Commission v France	Services	Yes	No	No		—		Other	High		No	Indirect	Medium	—	—	13
1994	C-320/93	Ortscheit	Goods	Yes	Yes	No		No		Public health	Medium		No	Direct	Medium	DE	No	5
1999	C-348/96	Calfa	Multiple	Yes	No	Yes	Partial (Threat for public policy)	No		Public policy	Medium		No	Direct	Serious	GR	Yes	11
1999	C-18/95	Terhoeve	Workers	Yes	No	No		No		Tax law	High		No	Indirect	Light	NL	No	11
1999	C-383/97	Van der Laan (1)	Goods	Yes	Yes	No		Yes	Guidelines (Misleading of consumers)	Consumer protection	Medium		No	No	Serious	DE	No	3
		Van der Laan (2)	Goods	Yes	Yes	No		No		Consumer protection	Medium		No	No	Serious	DE	No	3
		Van der Laan (3)	Goods	Yes	Yes	No		No		Consumer protection	Medium		No	No	Serious	DE	No	3
1999	C-320/95	Ferreiro Alvite	Workers	Left to NC	No	No		No		Social policy	High		No	Indirect	Medium	DK	No	5
1999	C-212/97	Centros	Establishment	Yes	Yes	No		No		Other	Medium	No	No	No	Serious	ES	Yes	15

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1999	C-311/97	Royal Bank of Scotland	Establishment	Yes	No	No		No		Tax law	No		No	Direct	Medium	GR	No	5
1999	C-224/97	Ciola	Services	Yes	No	No		No		Other	No		No	Indirect	Medium	AU	Yes	3
1999	C-350/97	Monsees	Goods	Yes	Yes	No		No		Animal health	No	Yes (Anti-MS)	No	Indirect	Serious	AU	Yes	5
1999	C-255/97	Pfeiffer	Multiple	Yes	Yes	No		Yes	Adoption (Risk of confusion/ whole PA)	Intellectual property	No		No	No	Medium	AU	No	9
1999	C-302/97	Konle (1)	Capital	Yes	No	No		Yes	Guidelines (Act of Accession)	Other	Medium		No	Direct	Serious	AU	No	13
		Konle (2)	Capital	Yes	Yes	No		No		Other	Medium		No	Direct	Serious	AU	No	13
1999	C-33/97	Colim	Goods	Yes	Yes	No		Yes	Guidelines (Necessity)	Consumer protection	No		No	Indirect	Medium	BE	No	5
1999	C-337/97	Meeusen	Multiple	Yes	No	No		No		Social policy	High		No	Direct	Medium	NL	No	5
1999	C-394/97	Heinonen	Goods	Yes	Yes	Yes	Full (Necessity)	No		Public health	Unclear		No	No	Serious	FIN	No	5
1999	C-412/97	ED	Multiple	No	No	No		No		Other	No		No	Direct	Light	IT	No	5
1999	C-234/97	Fernández de Bobadilla	Workers	Left to NC	No	No		No		Liberal professions/ Prof. qualifications	Medium		No	Indirect	Medium	DK	No	9
1999	C-254/97	Baxter	Establishment	Yes	No	No		No		Tax law	Medium		No	Indirect	Medium	FR	Yes	9
1999	C-203/98	Commission v Belgium	Establishment	Yes	No	No		—		Other	No		No	Direct	Medium	—	—	3
1999	C-391/97	Gschwind	Workers	No	No	No		No		Tax law	No		No	Indirect	Medium	DE	No	11
1999	C-44/98	BASF	Goods	No	No	No		No		Intellectual property	No		No	Indirect	Light	DE	Yes	5
1999	C-307/97	Saint-Gobain ZN	Establishment	Yes	No	No		No		Tax law	No		No	Indirect	Medium	DE	No	11
1999	C-124/97	Läära	Multiple	Yes	Yes	Yes	Full (Necessity)	No		Games of chance	No		No	No	Serious	FIN	No	9
1999	C-379/97	Upjohn	Goods	Yes	No	No		Yes	Guidelines (Necessity)	Intellectual property	No		No	No	Medium	ES	No	9
1999	C-67/98	Zenatti	Services	Yes	Yes	Yes	Full (Necessity)	Yes	Guidelines (Consistency/whole PA)	Games of chance	No		No	No	Serious	IT	No	9
1999	C-97/98	Jägerskiöld	Multiple	No	No	No		No		Other	No		No	No	Light	FIN	No	3
1999	C-294/97	Eurowings Luftverkehr	Services	Yes	No	No		No		Tax law	No		No	Direct	Medium	DE	No	11
1999	C-328/96	Commission v Austria	Goods	Yes	No	No		—		Other	Medium		No	Indirect	Medium	—	—	9
1999	C-6/98	ARD	Multiple	Yes	Yes	Yes	Full (Whole PA)	No		Other	Medium		No	No	Light	DE	No	3
1999	C-55/98	Vestergaard	Services	Yes	No	No		No		Tax law	Medium		No	Indirect	Light	ES	Yes	3

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1999	C-200/98	X and Y	Establishment	Yes	No	No		No		Tax law	No		No	Indirect	Medium	SE	Yes	9
1999	C-369/96	Arblade (1)	Services	Yes	Yes	Yes	Full (Minimum wage)	Yes	Guidelines/tendency (Provisions sufficiently precise)	Other	No		No	No	Medium	BE	No	9
		Arblade (2)	Services	Yes	Yes	No		Yes	Guidelines/adoption (Social advantage)	Other	No		No	Indirect	Medium	BE	No	9
		Arblade (3)	Services	Yes	Yes	No		Yes	Guidelines/adoption (Necessity)	Other	Medium		No	Indirect	Medium	BE	No	9
		Arblade (4)	Services	Yes	Yes	No		Yes	Guidelines (Whole PA)	Other	No		No	Indirect	Medium	BE	No	9
1999	C-94/98	Rhône-Poulenc Rorer and May & Baker	Goods	Yes	No	Yes	Partial (Risk assessment)	No		Public health	Medium		No	No	Medium	UK	No	9
2004	C-24/00	Commission v France (1)	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	No		No	No	Medium	—	—	5
		Commission v France (2)	Goods	Yes	No	Yes	Partial (Risk assessment)	—		Public health	No		No	No	Medium	—	—	5
2004	C-95/01	Greenham and Abel	Goods	Left to NC	Yes	Yes	Partial (Risk assessment)	Yes	Guidelines (Risk assessment)	Public health	No	No	No	No	Medium	FR	No	5
2004	C-270/02	Commission v Italy	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	No		No	No	Medium	—	—	5
2004	C-334/02	Commission v France	Multiple	Yes	Yes	No		—		Tax law	Medium		No	Indirect	Medium	—	—	3
2004	C-9/02	De Lasteyrie du Saillant	Establishment	Yes	Yes	No		No		Tax law	No		No	Indirect	Medium	FR	Yes	3
2004	C-496/01	Commission v France (1)	Multiple	Yes	Yes	No		—		Public health	No		No	No	Serious	—	—	5
		Commission v France (2)	Multiple	Yes	Yes	No		—		Public health	No		No	No	Serious	—	—	5
2004	C-8/02	Leichtle (1)	Services	No	No	No		No		Public health	No		No	No	Medium	DE	No	3
		Leichtle (2)	Services	No	No	No		No		Public health	No		No	No	Medium	DE	No	3
		Leichtle (3)	Services	Yes	Yes	No		No		Public health	No		No	Indirect	Medium	DE	No	3
		Leichtle (4)	Services	Left to NC	No	No		No		Public health	No		No	Unclear	Unclear	DE	No	3
		Leichtle (5)	Services	Yes	No	No		No		Public health	No		No	Unclear	Medium	DE	No	3
2004	C-138/02	Collins	Workers	Yes	Yes	No		Yes	Guidelines (Necessity)	Social policy	High		No	Indirect	Medium	UK	No	11
2004	C-71/02	Karner	Goods	No	No	No		No		Other	Medium	No	Yes (Freedom of expression)	No	Light	AU	Yes	3
2004	C-112/02	Kohlpharma	Goods	Yes	Yes	Yes	Partial (Risk assessment)	No		Public health	Medium		No	No	Medium	DE	No	5
2004	C-387/99	Commission v Germany	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	Medium	No	No	No	Medium	—	—	5
2004	C-150/00	Commission v Austria (1)	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	Medium	No	No	No	Medium	—	—	5

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
		Commission v Austria (2)	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	Medium	No	No	No	Medium	—	—	5
		Commission v Austria (3)	Goods	No	Yes	Yes	Partial (Risk assessment)	—		Public health	Medium	Yes (Pro-MS)	No	No	Medium	—	—	5
2004	C-387/01	Weigel	Workers	No	No	No		No		Tax law	No		No	No	Medium	AU	Yes	5
2004	C-482/01	Orfanopoulos (1)	Workers	Left to NC	No	Yes	Partial (Balancing)	No		Public policy	Medium		Yes (Family life)	Direct	Serious	DE	No	3
		Orfanopoulos (2)	Workers	Yes	Yes	Yes	Partial (Balancing)	Yes	Guidelines (Balancing)	Public policy	Medium		Yes (Family life)	Direct	Serious	DE	No	3
2004	C-171/02	Commission v Portugal (1)	Services	Yes	No	No		—		Liberal professions/ Prof. qualifications	No		No	Direct	Serious	—	—	3
		Commission v Portugal (2)	Multiple	Yes	Yes	No		—		Liberal professions/ Prof. qualifications	No		No	No	Medium	—	—	3
		Commission v Portugal (3)	Multiple	Yes	Yes	No		—		Liberal professions/ Prof. qualifications	No		No	No	Medium	—	—	3
		Commission v Portugal (4)	Services	Yes	Yes	No		—		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	—	—	3
		Commission v Portugal (5)	Multiple	Yes	No	No		—		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	—	—	3
2004	C-169/03	Wallentin	Workers	Yes	No	No		No		Tax law	No		No	Indirect	Medium	SE	Yes	5
2004	C-166/03	Commission v France	Goods	Yes	Yes	No		—		Other	No		No	No	Medium	—	—	5
2004	C-262/02	Commission v France	Services	Yes	Yes	Yes	Full (Consistency)	—		Public health	No	No	No	No	Serious	—	—	9
2004	C-429/02	Bacardi France	Services	Yes	Yes	Yes	Full (Consistency)	No		Public health	Medium	No	No	No	Serious	FR	Yes	9
2004	C-239/02	Douwe Egberts	Goods	Yes	Yes	Yes	Partial (Necessity)	Yes	Guidelines (Necessity)	Consumer protection	Medium		No	Indirect	Light	BE	No	5
2004	C-443/02	Schreiber	Goods	Yes	Yes	Yes	Full (Whole PA)	No		Public health	Medium	Yes (Pro-MS)	No	No	Medium	IT	No	5
2004	C-242/03	Weidert and Paulus	Capital	Yes	No	No		No		Tax law	No		No	Indirect	Medium	LUX	No	3
2004	C-456/02	Trojani	Multiple	Left to NC	No	No		No		Social policy	High		No	Direct	Serious	BE	No	11
2004	C-319/02	Manninen	Capital	Yes	Yes	No		No		Tax law	No		No	Indirect	Medium	FIN	Yes	11
2004	C-417/02	Commission v Greece (1)	Establishment	Yes	No	No		—		Liberal professions/ Prof. qualifications	High		No	Indirect	Medium	—	—	5
		Commission v Greece (2)	Establishment	Yes	No	No		—		Liberal professions/ Prof. qualifications	High		No	Indirect	Medium	—	—	5
2004	C-465/01	Commission v Austria	Workers	Yes	No	No		—		Other	High		No	Direct	Light	—	—	5
2004	C-386/02	Baldinger	Workers	No	No	No		No		Social policy	No		No	Indirect	Medium	AU	No	5
2004	C-400/02	Merida	Workers	Yes	No	No		No		Tax law	High		No	Indirect	Medium	DE	Yes	5
2004	C-442/02	CaixaBank France	Establishment	Yes	Yes	No		No		Other	No		No	No	Medium	FR	Yes	11

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
2004	C-255/01	Markopoulos	Establishment	Left to NC	No	No		No		Liberal professions/ Prof. qualifications	Medium		No	Unclear	Medium	GR	Yes	5
2004	C-189/03	Commission v Netherl. (1)	Services	Yes	Yes	No		—		Other	No		No	Indirect	Medium	—	—	5
		Commission v Netherl. (2)	Services	Yes	Yes	No		—		Other	No		No	Indirect	Medium	—	—	5
		Commission v Netherl. (3)	Services	Yes	Yes	No		—		Other	No		No	Indirect	Medium	—	—	5
2004	C-60/03	Wolff & Müller	Services	Left to NC	Yes	No		Yes	Full (Aim/whole PA)	Other	High		No	No	Light	DE	Yes	5
2004	C-299/02	Commission v Netherlands	Establishment	Yes	Yes	No		—		Other	No		No	No	Serious	—	—	3
2004	C-36/02	Omega	Services	Yes	Yes	Yes	Full (Balancing/whole PA)	Yes	Adoption (Balancing/whole PA)	Public policy	No	No	Yes (Human dignity)	No	Serious	DE	Yes	5
2004	C-445/03	Commission v Luxembourg	Services	Yes	Yes	No		—		Other	No		No	No	Medium	—	—	5
2004	C-41/02	Commission v Netherlands	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	No		No	No	Serious	—	—	5
2004	C-463/01	Commission v Germany	Goods	Yes	Yes	No		—		Other	Medium	No	No	Indirect	Light	—	—	9
2004	C-309/02	Radlberger Getränkegesellschaft	Goods	Yes	Yes	No		Yes	Guidelines (Balancing)	Other	Medium	No	No	Indirect	Light	DE	No	9
2004	C-293/03	My	Workers	No	No	No		No		Social policy	High		No	No	Medium	BE	No	5
2009	C-377/07	STEKO Industriemontage	Capital	Yes	No	No		No		Tax law	No		No	Indirect	Light	DE	Yes	5
2009	C-318/07	Persche	Capital	Yes	Yes	No		No		Tax law	Medium		No	Indirect	Medium	DE	Yes	11
2009	C-110/05	Commission v Italy	Goods	Yes	Yes	Yes	Full (Risk assessment/ necessity)	—		Road safety	No		No	No	Serious	—	—	13
2009	C-67/08	Block	Capital	Unclear	No	No		No		Tax law	Medium		No	Indirect	Medium	DE	Yes	5
2009	C-88/07	Commission v Spain	Goods	Yes	Yes	Yes	Partial (Risk assessment)	—		Public health	Medium		No	No	Medium	—	—	5
2009	C-222/07	UTECA (1)	Multiple	No	No	No		No		Other	Medium		No	Indirect	Light	DK	Yes	5
		UTECA (2)	Multiple	Yes	Yes	No		No		Other	Medium		No	Indirect	Light	DK	Yes	5
2009	C-350/07	Kattner Stahlbau	Services	Yes	Yes	No		Yes	Guidelines/tendency (Necessity/risk assessment)	Social policy	No		No	Indirect	Light	DE	No	5
2009	C-169/07	Hartlauer	Establishment	Yes	Yes	No		No		Public health	No		No	No	Medium	AU	Yes	13
2009	C-326/07	Commission v Italy (1)	Establishment	Yes	Yes	No		—		Public policy	No		No	Unclear	Serious	—	—	5
		Commission v Italy (2)	Multiple	Yes	Yes	No		—		Public policy	No		No	Unclear	Medium	—	—	5
2009	C-544/07	Rüffler	Workers	No	No	No		No		Tax law	No		No	Indirect	Medium	PL	No	5

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
2009	C-518/06	Commission v Italy	Multiple	Yes	Yes	Yes	Full (Necessity)	—		Road safety	Medium		No	No	Medium	—	—	13
2009	C-531/07	Fachverband der Buch- und Medienwirtschaft	Goods	Yes	Yes	No		No		Other	No		No	No	Medium	AU	Yes	5
2009	C-132/08	Lidl Magyarország	Goods	Left to NC	Yes	No		Yes	Full (Whole PA)	Consumer protection	Medium		No	No	Light	HU	No	3
2009	C-531/06	Commission v Italy (1)	Establishment	Yes	Yes	Yes	Full (Suitability/necessity)	—		Public health	No	No	No	No	Medium	—	—	13
		Commission v Italy (2)	Capital	Yes	Yes	Yes	Full (Suitability/necessity)	—		Public health	No	No	No	No	Medium	—	—	13
2009	C-171/07	Apothekerkammer des Saarlandes	Establishment	Yes	Yes	Yes	Full (Suitability/necessity)	No		Public health	No	No	No	No	Medium	DE	No	13
2009	C-142/05	Mickelsson and Roos	Goods	Left to NC	Yes	Yes	Partial (Necessity/balancing)	Yes	Guidelines (Necessity/balancing)	Other	Medium		No	No	Serious	SE	No	5
2009	C-155/08	X	Multiple	Yes	Yes	No		No		Tax law	Medium	No	No	Indirect	Light	NL	Yes	5
2009	C-303/07	Aberdeen Property Fininvest Alpha	Establishment	Yes	Yes	No		No		Tax law	No		No	Direct	Medium	FIN	Yes	5
2009	C-165/08	Commission v Poland	Goods	Yes	No	No		—		Other	Unclear	Yes (Anti-MS)	No	No	Serious	—	—	5
2009	C-208/07	Von Chamier-Glisczinski	Multiple	No	No	No		No		Public health	Medium		No	Indirect	Medium	DE	No	5
2009	C-128/08	Damseaux	Capital	No	No	No		No		Tax law	No		No	Indirect	Medium	BE	No	5
2009	C-478/07	Budějovický Budvar	Goods	Yes	No	No		Yes	Guidelines (Consumer perception)	Intellectual property	No		No	No	Medium	AU	No	9
2009	C-42/07	Liga Portuguesa de Futebol Profissional	Multiple	Yes	Yes	Yes	Full (Necessity)	No		Games of chance	No		No	No	Serious	PO	No	13
2009	C-269/07	Commission v Germany (1)	Workers	Yes	No	No		—		Tax law	High		No	Indirect	Medium	—	—	5
		Commission v Germany (2)	Workers	Yes	Yes	No		—		Tax law	High		No	Indirect	Medium	—	—	5
		Commission v Germany (3)	Workers	Yes	No	No		—		Tax law	High		No	Indirect	Medium	—	—	5
2009	C-573/07	Sea	Multiple	Left to NC	No	No		No		Other	Unclear		No	Unclear	Medium	IT	No	5
2009	C-182/08	Glaxo Wellcome	Capital	Yes	Yes	No		Yes	Guidelines (Necessity/balancing)	Tax law	Medium		No	Indirect	Medium	DE	Yes	5
2009	C-3/08	Leyman	Workers	Yes	No	No		No		Social policy	High	No	No	Indirect	Medium	BE	No	5
2009	C-219/08	Commission v Belgium	Services	Yes	Yes	No		—		Other	No		No	No	Medium	—	—	5
2009	C-567/07	Woningstichting Sint Servatius	Capital	Yes	Yes	No		Yes	Guidelines (Discretion of authorities)	Social policy	Medium		No	Indirect	Medium	NL	Yes	5
2009	C-562/07	Commission v Spain	Capital	Yes	No	No		—		Tax law	No		No	Indirect	Medium	—	—	5
2009	C-35/08	Busley und Cibrian Fernandez	Capital	Yes	Yes	No		No		Tax law	Medium		No	Indirect	Medium	DE	No	5

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
2009	C-196/08	Acoset	Multiple	Left to NC	No	No		No		Other	No		No	Unclear	Medium	IT	No	5
2009	C-438/08	Commission v Portugal	Establishment	Yes	Yes	No		—		Road safety	Medium		No	No	Medium	—	—	5
2009	C-169/08	Presidente del Consiglio dei Ministri	Services	Yes	Yes	No		No		Tax law	No		No	Indirect	Medium	IT	Yes	13
2009	C-314/08	Filipiak	Multiple	Yes	No	No		No		Tax law	No		No	Indirect	Medium	PL	No	3
2009	C-540/07	Commission v Italy	Capital	Yes	Yes	No		—		Tax law	Medium		No	Indirect	Medium	—	—	5
2009	C-345/08	Pešla (1)	Multiple	Yes	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	DE	No	5
		Pešla (2)	Workers	Left to NC	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	DE	No	5
2009	C-586/08	Rubino	Workers	Yes	No	No		No		Liberal professions/ Prof. qualifications	No		No	Indirect	Medium	IT	No	3
2009	C-376/08	Serrantoni and Consorzio stabile edili	Multiple	Yes	Yes	No		No		Other	No		No	No	Serious	IT	No	5
2013	C-186/11	Stanleybet International	Multiple	Yes	Yes	Yes	Full (Necessity)	Yes	Guidelines/adoption/ tendency (Consistency)	Games of chance	No		No	No	Serious	GR	Yes	5
2013	C-619/11	Dumont de Chassart	Workers	Yes	No	No		No		Social policy	High	No	No	Indirect	Medium	BE	No	5
2013	C-46/12	N.	Workers	Left to NC	No	No		No		Social policy	Medium		No	Direct	Medium	ES	No	5
2013	C-123/11	A	Multiple	Left to NC	Yes	No		Yes	Guidelines (Losses)	Tax law	No		No	Indirect	Medium	FIN	Yes	5
2013	C-243/11	RVS Levensverzekeringen	Multiple	Yes	No	No		No		Tax law	High		No	No	Medium	BE	No	5
2013	C-544/11	Petersen	Workers	Yes	Yes	No		No		Tax law	No		No	Indirect	Medium	DE	No	5
2013	C-168/11	Beker	Capital	Yes	No	No		No		Tax law	No		No	Indirect	Medium	DE	Yes	5
2013	C-127/11	Van den Booren	Workers	Left to NC	Yes	No		Yes	Full (Whole PA)	Social policy	Medium		No	Unclear	Light	BE	No	3
2013	C-577/11	DKV Belgium	Multiple	Yes	Yes	No		Yes	Guidelines (Necessity)	Public health	Medium		No	No	Medium	BE	No	5
2013	C-443/11	Jeltes	Workers	No	No	No		No		Social policy	Medium	No	No	Indirect	Medium	NL	No	5
2013	C-202/11	Las	Workers	Yes	Yes	No		No		Other	No		Yes (Linguistic diversity)	Indirect	Medium	BE	No	13
2013	C-548/11	Mulders	Workers	Yes	No	No		No		Social policy	No		No	Indirect	Medium	BE	No	5
2013	C-212/11	Jyske Bank Gibraltar	Services	Yes	Yes	No		Yes	Guidelines/tendency (Whole PA)	Public security	Medium		No	No	Medium	DK	Yes	5
2013	C-197/11	Libert (1)	Multiple	Yes	Yes	No		No		Other	High		No	Indirect	Serious	BE	Yes	5
		Libert (2)	Capital	Yes	Yes	No		Yes	Full (Whole PA)	Other	High		No	No	Medium	BE	Yes	5

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
2013	C-589/10	Wencel	Workers	Yes	Yes	No		Yes	Full (Whole PA)	Social policy	Medium		No	Unclear	Medium	PL	No	5
2013	C-383/10	Commission v Belgium	Services	Yes	Yes	No		—		Tax law	Medium		No	Direct	Medium	—	—	3
2013	C-20/12	Giersch	Workers	Yes	Yes	Yes	Partial (Necessity)	No		Social policy	High		No	Indirect	Medium	LUX	No	5
2013	C-186/12	Impacto Azul	Establishment	No	No	No		No		Other	No		No	Direct	Medium	PO	No	3
2013	C-575/11	Nasiopoulos	Establishment	Yes	Yes	Yes	Partial (Necessity)	Yes	Guidelines (Necessity)	Liberal professions/ Prof. qualifications	Unclear		No	Indirect	Medium	GR	Yes	5
2013	C-233/12	Gardella	Workers	Left to NC	No	No		No		Social policy	High		Yes (Right to work)	Unclear	Medium	IT	No	5
2013	C-350/11	Argenta Spaarbank	Establishment	Yes	No	No		No		Tax law	No		No	Indirect	Medium	BE	No	5
2013	C-265/12	Citroën Belux	Capital	Yes	Yes	Yes	Full (Balancing)	No		Consumer protection	Medium		No	No	Light	BE	No	5
2013	C-660/11	Biasci (1)	Multiple	Yes	Yes	No		No		Games of chance	No		No	Indirect	Medium	IT	No	5
		Biasci (2)	Multiple	Yes	Yes	No		Yes	Guidelines (Costa and Cifone criteria)	Games of chance	No		No	Indirect	Medium	IT	No	5
		Biasci (3)	Multiple	Yes	Yes	Yes	Full (Necessity)	No		Games of chance	No		No	Indirect	Medium	IT	No	5
2013	C-475/11	Konstantinides	Services	Left to NC	Yes	No		Yes	Guidelines (Aim/whole PA)	Liberal professions/ Prof. qualifications	No		No	No	Light	DE	No	5
2013	C-418/11	TEXDATA Software	Establishment	No	No	No		No		Other	Medium	Yes (Pro-MS)	Yes (Judicial protection)	No	Light	AU	No	5
2013	C-539/11	Ottica New Line (1)	Establishment	Yes	Yes	No		No		Public health	No		No	No	Medium	IT	No	5
		Ottica New Line (2)	Establishment	Yes	Yes	Yes	Full (Suitability)	Yes	Guidelines (Consistency)	Public health	No		No	No	Medium	IT	No	5
2013	C-282/12	ITELCAR	Capital	Yes	Yes	No		No		Tax law	Medium		No	No	Medium	PO	No	5
2013	C-336/12	Manova	Multiple	Left to NC	No	No		No		Other	Medium		No	Unclear	Light	ES	No	3
2013	C-181/12	Welte	Capital	Yes	No	No		No		Tax law	Medium		No	Indirect	Medium	DE	No	5
2013	C-105/12	Essent	Capital	Yes	Yes	No		Yes	Full (Whole PA)	Other	Medium		No	No	Serious	NL	Yes	15
2013	C-322/11	K	Capital	Yes	Yes	No		No		Tax law	Medium		No	Indirect	Medium	FIN	Yes	3
2013	C-388/12	Comune di Ancona	Multiple	Left to NC	No	No		No		Other	Medium		No	Unclear	Medium	IT	No	5
2013	C-221/12	Belgacom (1)	Multiple	Yes	No	No		No		Other	No		No	Indirect	Medium	BE	Yes	3
		Belgacom (2)	Multiple	Yes	No	No		No		Other	No		No	Indirect	Medium	BE	Yes	3
2013	C-302/12	X	Establishment	No	No	No		No		Tax law	No		No	No	Medium	NL	Yes	5

Year	Case	Parties	Free Movement Right(s)	Scope of Application	Proportionality	MoA	MoA Type	DJR	DJR Type	Policy Field	Level of EU Harmonization	Consensus	Fundamental Rights	Discrimination	Economic Freedom	Origin NC	Supreme Court	Formation ECJ
2013	C-159/12	Venturini	Establishment	Yes	Yes	No		Yes	Adoption (Aim)	Public health	No		No	No	Medium	IT	No	5
2013	C-514/12	Salzburger Landeskliniken	Workers	Yes	Yes	No		No		Other	High		No	Indirect	Light	AU	No	5
2013	C-166/12	Časta	Workers	Left to NC	No	No		No		Social policy	Medium	No	No	No	Medium	CZ	No	5
2013	C-523/12	Dirextra Alta Formazione	Services	Yes	Yes	No		No		Social policy	No		Yes (Freedom of expression)	No	Medium	IT	No	3
2013	C-303/12	Imfeld and Garcet	Establishment	Yes	No	No		No		Tax law	No		No	Indirect	Medium	BE	No	5
2013	C-327/12	SOA Nazionale Costruttori	Establishment	Yes	Yes	No		Yes	Guidelines (Necessity)	Social policy	Medium		No	No	Medium	IT	No	5
2013	C-292/12	Ragn-Sells	Multiple	No	No	No		No		Other	Medium		No	Unclear	Medium	EST	No	5

Notes:

1. MoA = margin of appreciation; DJR = decentralized judicial review; NC = national court; PA = proportionality analysis.
2. Where multiple Member State acts or different parts of a national measure are reviewed in one judgment, each examination is listed separately (indicated by numbers).
3. The data on DJR, Origin NC, and Supreme Court are missing for infringement proceedings as national courts are not involved here (indicated by ‘—’).