

Press release

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Opinion of the Court of Justice of the EU gives greater legal certainty and clarity to Europe's largest retailers

The European Retail Round Table appreciates the recent recognition, via an opinion of the Court of Justice of the EU, that retail should be considered to be a service under Article 4(1) of the Services Directive* and that this Directive should apply to both cross-border and national situations.

The opinion of Advocate General Maciej Szpunar relates to the case of *Visser Vastgoed Beleggingen BV v Raad van de gemeente Appingedam (C-31/16)*; a case that has raised a number of salient questions as to whether retail is a service within the meaning of the Services Directive, whether the Directive applies to national situations only and whether the Directive applies to town and country planning rules.

“Our members felt great relief when we learnt about the Advocate General’s confirmation that retail trade consisting of the sale of goods to consumers should fall within the scope of the Services Directive. A different outcome of this case could have a significant impact on large retailers within Europe and we do therefore hope that the Court will follow Mr Szpunar’s opinion” Director-General Dr Susanne Czech said.

In addition, the opinion provides greater legal clarity into the use of municipal zoning plans by local and national authorities. In viewing such measures as a form of territorial restriction that are covered by the Service Directive, the opinion serves as an important step in ensuring retailers in Europe are protected by the fundamental freedoms of the treaty. “Equally important will be the need for EU Member States to now correctly justify the use of these measures under article 15(3) of the Directive so that our members do no longer face unjustified or non-proportional restrictions across Europe”, Ms Czech added.

* Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

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More information:

- Advocate General Opinion on C31-16:
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=190829&pageIndex=0&doclang=en&mode=req&dir=&occ=first&part=1&cid=823939>

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The **European Retail Round Table (ERRT)** ERRT brings together the CEOs of Europe’s largest multi-national retail companies who share their collective experience and ideas with policy makers in view of giving Europe’s consumers better access to the benefits of the Single Market. ERRT members are active in a variety of retail markets, including food, furniture, fashion, and electronics, amongst others. Each retailer has both physical stores as well as multichannel operations in Europe. The retail sector is of fundamental importance to the European economy and the well-being of EU citizens. ERRT promotes a Single Market in Retail, the delivery of a more sustainable consumption model, and the creation of new market opportunities globally.