

JUDGMENT OF THE COURT
7 JULY 1976¹

Lynne Watson and Alessandro Belmann
(preliminary ruling requested by the Pretura di Milano)

Case 118/75

Summary

1. Free movement of persons and services — Community law — Fundamental principle — Precedence over national law — Individual rights — Protection by the national courts

(EEC Treaty, Articles 48 to 66)

2. Free movement of persons — National of a Member State — Movement into another Member State and stay in that State — Administrative formalities — Acceptability — Conditions — Failure to observe such formalities — Penalties — Limits

(EEC Treaty, Article 7, Article 48)

1. Articles 48 to 66 of the Treaty and the measures adopted by the Community in application thereof implement a fundamental principle of the Treaty, confer on persons whom they concern individual rights which the national courts must protect and take precedence over any national rule which might conflict with them.
2. National regulations which require nationals of other Member States who benefit from the provisions of Articles 48 to 66 of the EEC Treaty to report to the authorities of that State and prescribe that residents who provide accommodation for foreign nationals

must inform the said authorities of the identity of such foreign nationals are in principle compatible with the provisions in question provided, first, that the period fixed for the discharge of the said obligations is reasonable and, secondly, that the penalties attaching to a failure to discharge them are not disproportionate to the gravity of the offence and do not include deportation.

In so far as such rules do not entail restrictions on freedom of movement for persons they do not constitute discrimination prohibited under Article 7 of the Treaty.

In Case 118/75

Reference to the Court under Article 177 of the EEC Treaty by the Pretura di Milano, for a preliminary ruling in the criminal proceedings pending before that court against

¹ — Language of the Case: Italian.