

Press and Information Division

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Judgment of the Court of Justice in Case C-383/01

*De Danske Bilimportører v Skatteministeriet, Told- og Skattestyrelsen*

**THE COURT OF JUSTICE DECLARES A VERY HIGH NATIONAL CHARGE ON  
THE REGISTRATION OF NEW MOTOR VEHICLES COMPATIBLE WITH THE  
EC TREATY.**

*In spite of its very high level, the Danish duty on registration of new motor vehicles is neither caught by Article 28 EC nor contrary to Article 90 EC, in the absence of any Danish production of vehicles and thus of any discriminatory or protective effect of the charge.*

No motor vehicles are produced in Denmark.

In January 1999, De Danske Bilimportører ("DBI"), a Danish association of car importers, purchased a new Audi vehicle for a total price of DKK 498 546 (EUR 67 152), including DKK 297 456 (EUR 40 066) in registration duty.

Since DBI took the view that the Danish registration duty had been levied improperly, it requested its repayment from the tax authorities, which refused that request. DBI then brought proceedings against the Skatteministeriet (Danish Ministry of Fiscal Affairs) seeking repayment of the registration duty. In support of its claim, the applicant relied on the principle of free movement of goods, laid down by the EC Treaty. In that connection, the Danish court referred a question to the Court of Justice of the EC for a preliminary ruling, as to whether an indirect duty charged by a Member State (a registration duty), which in the case of new cars amounts to 105% of a first portion of DKK 52 800 and 180% of the remainder of the taxable value, can be a measure having an effect equivalent to a quantitative restriction on imports and for that reason be incompatible with the principle of the free movement of goods.

The Court found that the Danish registration duty is manifestly of a fiscal nature and is charged, not as a result of crossing the frontier, but upon first registration of the vehicle in the territory of Denmark: it is thus part of a general system of internal dues on goods. As a

consequence, it must be examined in the light of Article 90 EC. That article prohibits the imposition on products from other Member States of internal taxation in excess of that imposed on similar domestic products or internal taxation of such a nature as to afford indirect protection to other products. The aim of Article 90 EC is to ensure the free movement of goods between the Member States in normal conditions of competition by the elimination of all forms of protection which may result from the application of internal taxation that discriminates against products from other Member States. Thus that article must guarantee the complete neutrality of internal taxation as regards competition between domestic products and imported products.

The Court recalled that Article 90 EC cannot be invoked against internal taxation imposed on imported products where there is no similar or competing domestic production. In particular, it does not provide a basis for censuring the excessiveness of the level of taxation which the Member States might adopt for particular products, in the absence of any discriminatory or protective effect. Since there is no domestic production of cars in Denmark, the Court concluded that **the Danish registration duty imposed on new motor vehicles is not covered by the prohibitions laid down in Article 90 EC.**

The Court found that, in any event, **the figures** communicated by the national court **as to the number of new vehicles registered in Denmark** (between 78 453 and 169 492 per year between 1985 and 2000), and thus imported into that Member State, **do not in any way show that the free movement of that type of goods between Denmark and the other Member States is impeded by the high level of the duty.**

*Unofficial document for media use only, not binding on the Court of Justice.*

*Available in all languages.*

*For the full text of the Judgment, please consult our internet page  
[www.curia.eu.int](http://www.curia.eu.int)  
at approximately 3 pm today.*

*For further information please contact Christopher Fretwell*

*Tel: (352) 4303 3355; fax: (352) 4303 2731*