

Case C-369/90

Mario Vicente Micheletti and Others
v
Delegación del Gobierno en Cantabria

(Reference for a preliminary ruling
from the Tribunal Superior de Justicia de Cantabria)

(Freedom of establishment — Persons eligible — Dual nationality)

Report for the Hearing	I - 4240
Opinion of Advocate General Tesouro delivered on 30 January 1992	I - 4253
Judgment of the Court, 7 July 1992	I - 4258

Summary of the Judgment

Freedom of movement for persons — Freedom of establishment — Community rules — Class of persons covered — National of a Member State possessing at the same time the nationality of a non-member country — Included

(EEC Treaty, Art. 52; Council Directive 73/148)

The provisions of Community law concerning freedom of establishment preclude a Member State from withholding that freedom from a national of another Member State who at the same time possesses the nationality of a non-member country, on the ground that the legislation of the host State deems him to be a national of the non-member country.

Whenever a Member State, having due regard to Community law, has granted its

nationality to a person, another Member State may not, by imposing an additional condition for its recognition, restrict the effects of the grant of that nationality with a view to the exercise of a fundamental freedom provided for in the Treaty, particularly since the consequence of allowing such a possibility would be that the class of persons to whom the Community rules on freedom of establishment were applied might vary from one Member State to another.