Judgment of the Court (Sixth Chamber) of 4 October 2007 — Commission v Sweden

(Case C-186/05)

Failure of a Member State to fulfil obligations — National monopoly on retail sales of alcoholic beverages — Importation by private individuals prohibited

Free movement of goods — Quantitative restrictions (Arts 28 EC and 30 EC) (see para. 26, operative part)

Re:

FAILURE of a Member State to fulfil obligations — Infringement of Articles 28 EC and 30 EC — National legislation relating to a national monopoly on retail sales of alcoholic beverages prohibiting the direct importation of such beverages by private individuals.

Operative part

The Court:

1. Declares that, by prohibiting the importation of alcoholic beverages by private individuals acting by their designated independent intermediaries or professional transporters, the Kingdom of Sweden has failed to fulfil its obligations under Article 28 EC and that prohibition cannot be regarded as being justified under Article 30 EC;

2. Orders the Kingdom of Sweden to pay the costs.