number of administrative requirements involving the production of documents necessary for parallel imports of vehicles, whether new or already registered, from other Member States. Those requirements, which make registration of the vehicles more complicated, longer and more costly, cannot be justified on grounds of public policy connected with the detection or prevention of dealing in stolen vehicles since they cannot be regarded as necessary for that purpose. That is the case when the information required duplicates that supplied by the authorities of the exporting Member State and less restrictive measures would be sufficient to achieve the desired objective.

REPORT FOR THE HEARING
delivered in Case 154/85 *

I — Facts and procedure

A — *Background to the dispute*

The *Twelfth Report on Competition Policy* (1982, p. 186) states that parallel imports of vehicles are due to the significant differences between the pre-tax prices prevailing on the various national markets. The analysis carried out by the Commission shows that, having regard to those price differences within the Community, the most favourable markets for exports are Denmark, Belgium and Luxembourg and the most favourable destination is primarily Italy.

Since it had received a large number of complaints concerning the difficulties encountered in registering in a Member State (generally that of the residence or professional activity of the purchaser) vehicles imported from another Member State, the Commission addressed a memorandum to all the Member States on 20 November 1984 on the arrangements for the admission and registration of vehicles imported from another Member State and the compatibility of such arrangements with Community law (Annex III to the application).

According to the Commission, the existence of parallel imports, that is to say, imports outside the official distribution network, is, in a market such as the motor vehicle market, in which there is a limited number of suppliers, essential to ensure the normal functioning of the competition which the Treaty sought to achieve inasmuch as they enable the national markets to open up and integrate and permit prices to be maintained at a reasonable level.

B — *The national rules at issue*

The Italian rules on parallel imports of motor vehicles originating in the European Economic Community are laid down in Article 54 of the Highway Code, supplemented by circulars issued by the Ministry of Transport. Those circulars, which contain provisions concerning, in particular, the rules for registering imported

* Language of the Case: Italian.

vehicles, provide for two distinct systems of registration according to whether the imported vehicle is new or second-hand.

Until 30 June 1984, parallel imports of vehicles were governed by Circular No 104/83 of 3 May 1983, which made the registration of the vehicles at issue subject to production of the following documents:

(a) in regard to new vehicles (that is to say, vehicles not registered in the exporting country): the certificate of origin of the vehicle issued by the manufacturer or, in the case of foreign makes, by the manufacturer's legal representatives in Italy;

(b) in regard to vehicles already registered in the exporting country: the certificate of conformity and the registration book issued by the authorities of the exporting Member State.

After checking the documents supplied and checking with the Centro di Elaborazione Dati (Statistical Centre) that the chassis has not already been registered in Italy, the vehicle was permitted to undergo the technical tests, to be carried out within 30 days.

According to the Commission, those rules gave rise to no difficulty because they were in accordance with one of the fundamental principles of the common market, the reciprocal recognition of documents and certificates issued by the public authorities in the Member States.

The circulars adopted subsequently made the requirements more stringent and therefore created unjustified obstacles to trade.

1. *Circulars Nos 66/84 of 19 March 1984 and 125/84 of 11 June 1984, which came into force on 1 July 1984, amended only the rules concerning vehicles already registered* in the exporting country by making such registration in Italy subject to production of:

(i) either the *certificate of origin* of the manufacturer, previously required only for new vehicles;

(ii) or a *new document* which replaced the certificate of conformity and the registration book previously required for vehicles already registered, issued by the authorities of the exporting Member State and indicating the specifications of the vehicle.

Furthermore, that document had to be *certified* by the Italian consular authorities in the exporting Member State. There was an exception for certificates issued by the Federal German authorities under a bilateral convention concluded between Italy and the Federal Republic of Germany.

Finally, all of the above documents were to constitute *a single and individual document* in the sense that they were to contain all the individual characteristics of the vehicle concerned.

The *time-limit* for having the vehicle tested, previously fixed at 30 days, was extended to *60 days* by Circular No 66/84.

The new registration rules created unjustified obstacles to the importation of vehicles and were criticized in a large number of complaints submitted to the Commission. The latter considered that the situation created by the circulars at issue gave rise to a radical change in the traditional patterns of trade and, during the second half of 1984, to a massive reduction of parallel imports other than of vehicles

imported from the Federal Republic of Germany.

In a letter dated 18 December 1984 (Annex IV to the application), the Commission called upon the Italian Government, under the first paragraph of Article 169 of the Treaty, to submit observations within one month of the date of reception of the letter.

In that letter, the Commission claimed that the rules laid down in Circulars Nos 104/83, 66/84 and 125/84 were incompatible with the rules contained in Articles 30 and 36 of the Treaty for the following reasons:

they did not recognize the authenticity of certificates issued by the other Member States, which, in the Commission's view, was contrary to the judgment of the Court of Justice of 25 October 1979 (Case 159/78 *Commission* v *Italy* [1979] ECR 3247) and the judgment of 11 July 1974 (Case 8/74 *Procureur du Roi* v *Dassonville* [1974] ECR 837);

they required the production of documents which did not exist in any Member State and therefore entailed a complete refusal of cooperation on the part of certain departments of the exporting Member States (the Commission refers in that regard to the public notice issued on 29 June 1984 by the Belgian Minister for Communications and the refusal of the French Service des mines to provide more information than was normally contained in the registration book);

the requirement of a single, individual document constituted a measure having an effect equivalent to a quantitative restriction inasmuch as it led to the documents normally drawn up in another Member State being refused on the ground that the latter had not complied with the formal requirements laid down in the importing Member State. In the Commission's view, that requirement was contrary to settled case-law, in particular the judgment of 7 April 1981 (Case 132/80 *United Foods* v *Belgium* [1981] ECR 995);

the technical tests were compatible with the Treaty only if, as was decided in the judgment of 17 December 1981 (Case 272/80 *Frans-Nederlandse Maatschappij voor Biologische Producten* [1981] ECR 3277), they were really necessary and did not duplicate tests already carried out in the exporting Member State the results of which were available to the authorities in the importing Member State. The Commission considered that the time-limit of 60 days was likely to give rise to delay in the registration procedure and was therefore incompatible with Article 30 of the Treaty. It also constituted a disguised restriction on trade between Member States within the meaning of the second sentence of Article 36 of the Treaty inasmuch as second-hand vehicles bought on the national territory remained subject to the 30-day time-limit.

The Commission states that it is aware that the circulars at issue were adopted for the purpose of preventing the registration of stolen vehicles. However, it considers that a check on chassis numbers is an appropriate and sufficient means of detecting fraud. Furthermore, the contested measures were adopted in violation, in particular, of the principle of proportionality and the rules of the Treaty.

In a telex of 7 February 1985, the Italian Government applied for an extension of 30

days to the time-limit for submitting its reply on the ground that the Minister for Transport was about to issue a new circular.

In a letter dated 22 February 1985, the Italian authorities sent the Commission the text of Circular No 22/85 of 15 February 1985.

2. *Circular No 22/85 of 15 February 1985, which came into force on 1 March 1985,* provides for:

(a) in respect of *new vehicles,* the production of *the certificate of origin,* already required under the existing rules, and the production of *a technical certificate* indicating the characteristics of the vehicle;

(b) in respect of *vehicles already registered* in the exporting country, in addition to the two certificates mentioned above, *production of the registration book* issued by the authorities of the importing Member State.

According to the circular, the certificate of origin and the technical certificate for the vehicle must be *issued* by the manufacturer or, in the case of foreign makes, by the manufacturer's legal representative in Italy 'within *40 working days* of the date of the application', that is to say, within about two months.

The circular also authorizes the manufacturers and their representatives to charge, for the first time, a *reasonable fee* for issuing the various certificates.

By telexes dated 28 February and 5 March 1985, the Commission informed the Italian Minister for Transport that Circular No 22/85 did not satisfy the requirements laid down by the Commission, in particular in the formal notice of 18 December 1984. It also emphasized that the time which was to elapse before that circular entered into force (1 March 1985) was too short to permit all those concerned to adapt to it and thus created an additional obstacle to the free movement of vehicles. Therefore, the Commission asked the Minister for Transport to suspend the introduction of the circular.

As a result of the observations made by the Italian Minister for Transport in a letter of 15 March 1985, the Commission delivered a reasoned opinion to the Italian Government on 3 April 1985 in which it called upon it to put an end to the infringements mentioned therein within 15 days.

In that opinion, the Commission stated that far from putting an end to the infringements, Circular No 22/85 aggravated those already complained of. In addition to the observations already made in its formal notice of 18 December and the abovementioned telexes, the Commission contended that although the new rules eliminated the initial certification requirement for foreign documents, they exacerbated the incompatibility complained of inasmuch as, in particular:

they made compulsory the production of the certificate of origin and the technical certificate, which contained information already to be found in the documents supplied by the authorities of the exporting Member State;

they introduced excessively long time-limits for the issue of those certificates;

the rules thus laid down took no account of the elementary needs of trade and, in particular, of the motor vehicle market.

By a telex dated 15 May 1985, the Associazione Liberi Importatori Autoveicoli

(Alia) (Association of Independent Motor Vehicle Importers) informed the Commission that the Tribunale Amministrativo Regionale de Lazio (Regional Administrative Tribunal for Lazio) had granted an application for an interlocutory suspension of Circular No 22/85 brought by it jointly with three Italian companies, on the ground precisely that it was impossible to register vehicles imported from Belgium, France, Germany and the Netherlands if it was not possible to obtain a certificate of origin for them from the manufacturer. However, on an interpretation which was entirely wrong and arbitrary, the Ministry of Transport had decided to accord the benefit of the suspension only to vehicles originating in non-member countries.

In a telex addressed to the Italian Government on 15 May 1985, the Commission stated, on the basis of the information supplied by Alia, that the Italian authorities had not yet complied with the reasoned opinion of 3 April 1985 and called upon them to adopt the measures necessary to do so and to communicate those measures to it not later than 18 May 1985.

Since it had obtained none of the information requested within the time-limit, the Commission brought the present action, which was lodged at the Court Registry on 22 May 1985.

In a separate application for the adoption of interim measures submitted on the same day, the Commission requested the Court to order the Italian Republic to adopt the measures necessary to ensure, pending the decision of the Court of Justice in the main proceedings, the immediate registration and free movement of vehicles originating in the European Economic Community and imported from other Member States by way of parallel imports.

By a telex of 30 May 1985, the Kingdom of the Netherlands requested leave to intervene in support of the Commission's conclusions. That request was allowed.

By an order of 7 June 1985, the President of the Court ordered the Italian Republic:

(1) Pending judgment in the principal application and on notification of the order, to take the measures necessary to ensure that no requirement was imposed on parallel importers which was more strict than those which existed before July 1984;

(2) To inform the Commission every two weeks of the number of registrations effected and the reasons for any delay.

Upon hearing the report of the Judge-Rapporteur and the views of the Advocate General, the Court decided to order measures of inquiry in accordance with Article 21 of the Statute and Article 45 of the Rules of Procedure.

By letter of 19 November 1986, the Registrar of the Court called upon the Italian Government and the Commission to reply in writing within 15 days to the questions set out below and called upon the Commission to produce the text of Circulars Nos 104/83, 66/84 and 125/84 of the Italian Minister for Transport, which were not among the documents on the file.

The Italian Government and the Commission supplied the information requested within the time-limit.

In accordance with Article 54 of the Rules of Procedure, the date for the opening of the oral procedure was fixed after the preparatory inquiry had been completed.

II — Conclusions of the parties

The *Commission* claims that the Court should:

(1) Declare that, by making the registration of vehicles imported from other Member States as parallel imports subject to formalities which are not justified under Community law, the Italian Republic has failed to fulfil its obligations under Article 30 of the EEC Treaty;

(2) Order the Italian Republic to pay the costs.

The *Italian Republic* contends that the Court should, if the Commission does not withdraw its action:

(1) Dismiss the application;

(2) Order the applicant to pay the costs.

III — Submissions and arguments of the parties

In this application, the *Commission* makes observations similar to those contained in its formal notice of 18 December 1984 and the reasoned opinion of 3 April 1985.

In regard more particularly to Circular No 22/85 of 15 February 1985, it advances the arguments raised in the reasoned opinion concerning the excessive documentation required and the detailed arrangements, time-limits and costs imposed for the registration of imported vehicles.

Thus, the Commission states that the time-limits fixed for the issue of certificates by the manufacturers is about three months (that is to say, two months for the issue of the certificates and one month for the technical tests) whereas in other Member States, namely Belgium and Luxembourg, that operation requires at most two or three days. The cost of registration is approximately LIT 291 600 for a Fiat vehicle (that is to say, LIT 141 600 for the certificate of origin and the technical certificate and LIT 150 000 for the tests and registration). In Belgium, for example, the cost of the same operations is BFR 800.

However, the Commission states that those figures are merely indicative since the effect of Circular No 22/85 is precisely to put a stop to applications for registration and, consequently, to cause irreparable damage to exporters. According to the Commission, 10 000 vehicles already imported into Italy cannot be used because they are still awaiting registration. The importers thus find themselves unable, on the one hand, to honour their undertakings to their present customers and to enter into new ones with potential customers and, on the other, to obtain the expected return on the capital they have invested and to deal successfully with banking difficulties in the longer term.

In its rejoinder, the *Commission* states that the order of the President of the Court in Case 154/85 R produced the desired effect inasmuch as the provisions of Circular No 22/85 which, from 1 March 1985, brought about the cessation of parallel imports of vehicles into Italy by reason of the physical impossibility of registering them, were suspended by Circular No 105/85 of 21 June 1985, subsequently replaced by Circular No 133/85 of 28 August 1985, adopted by the Italian Ministry of Transport.

Although wishing to express its views on the new measures adopted in order to permit the Court to ascertain whether the order of 7 June 1985 had been complied with, the Commission points out that the purpose of those observations is not to modify the conclusions contained in the reasoned opinion and in the main proceedings. In the

Commission's view, there are no grounds for dismissing the application for the reasons set out in the judgment of 10 March 1970 (Case 7/69 *Commission* v *Italian Republic* [1970] ECR 111).

The Commission states that since the adoption of Circulars Nos 105 and 133/85, that is to say, between 1 July and 31 October 1985, some 30 000 imported vehicles were registered. It emphasizes, however, that five months after the order in Case 154/85 R was made, Italy has not fully complied with the obligation referred to in paragraph 1 of that order, namely not to impose on parallel importers any requirement 'which is more strict than those which existed before July 1984'.

For the purposes of clarity, the Commission emphasizes first the advantages of the rules laid down in Circular No 104/83 in regard to Community law.

Circular No 104/83 merely required production, without any other expenses or formalities, of the certificate of origin for new vehicles and a certificate of conformity and the registration book for vehicles already registered in the exporting Member State. Furthermore, it offered a choice between those two systems of registration if the certificate of origin was impossible to obtain. That system had the following advantages:

it required only the production of the three certificates mentioned above;

foreign certificates of conformity and registration books were recognized and accepted by the Italian authorities in the form in which they had been issued by the authorities of the exporting Member State. Consequently, it was not necessary to have them certified by the Italian consular or diplomatic authorities in the exporting Member State. Thus, the principle of reciprocal recognition of official acts and certificates issued by the administrations of the Member States was complied with;

no fee was charged for the issue of certificates;

registration took place within a short period or, in any event, a reasonable period.

Although Circular No 133/85 reintroduced the possibility of choosing between the two registration systems mentioned above, the Commission emphasizes that the new rules differ from the system laid down in Circular No 104/83 on the following points:

if the various certificates mentioned above do not contain the information needed to draw up the Italian registration document, the parallel importer is required to produce additional documents for that purpose. Those documents must contain technical information which is not really set out in detail in Circular No 133/85;

the certificates of origin and conformity and the registration book must be certified in the exporting Member State; the persons entitled to sign and issue them are not clearly defined;

the issue of the various certificates and additional documents is subject to the payment of a reasonable fee. However, since the amount of that fee was not fixed in the circular, the manufacturers continued to charge prohibitive amounts of approximately LIT 300 000, or approximately BFR 9 000. Part of that sum went to the manufacturer and part to the Uffici della

Motorizzazione (Motor Vehicle Centres) for the technical tests;

the time-limit for the issue of certificates of origin is fixed at 30 days without there being any sanction or alternative if that time-limit is not complied with. A further time-limit of 30 days is applicable for the technical tests, with the result that the total period required for registration is 60 days.

According to the Commission, it follows from those observations that even if Circular No 133/85 is an improvement on the rules laid down in Circulars Nos 66 and 125/84, it is none the less incompatible with Article 30 of the Treaty inasmuch as it makes importation of vehicles subject to unjustified expenditure and duplication of effort. On the latter point, the Commission emphasizes that the requirement that foreign documents be submitted in the absence of a certificate of origin obliges the importer to register the same vehicle twice, once in the exporting country and once in Italy.

The Commission concludes its reply as follows:

'(1) Case 154/85 R: With reference to the order of the Court of 7 June 1985, the Commission concludes that the measures adopted by the Italian authorities permit the registration, and therefore parallel imports, of motor vehicles. The conditions causing serious and irreparable damage to the detriment of parallel importers no longer exist.

However, the implementation of the present registration procedures raises serious difficulties, which are currently being examined jointly by the Italian administration and the Commission. The exchange of correspondence now going on will shortly be followed by bilateral meetings. It therefore appears premature to express a definitive view on that subject.

(2) Case 154/85: For the reasons mentioned above and subject to any submissions which may be made or deduced later, the Commission of the European Communities confirms the conclusions it put forward in its application of 22 May 1985. Those conclusions must obviously be limited in time because, with effect from 21 June 1985, it was decided, in Circular No 105/85 of the Minister for Transport, to suspend the implementation of Circulars Nos 66/84, 125/84 and 22/85, regarded as being the cause of the infringement notified to the Italian Republic in the reasoned opinion of 3 April 1985.'

The *government of the Italian Republic* states that it has fully and completely implemented the order of the President of the Court in Case 154/85 R.

In Circular No 105 of 21 June 1985, the Ministry of Transport provided that:

'Provisionally, implementation of the ministerial circulars adopted on this subject which entered into force after 20 June 1984 is suspended . . . and consequently, the earlier rules are again applicable . . . '.

That circular also stated that before 1 September 1985, new rules would be adopted on the ground that Circular No

104/83 had to be amended and completed in order to ensure the complete transparency of the registration procedures for imported vehicles.

Those new rules were adopted in Circular No 133/85 of the Minister for Transport of 28 August 1985.

With regard to the Commission's conclusions in its reply, the Italian Government contends that since the contested rules have been repealed, the purpose of the action has vanished. Thus, a decision of the Court concerning the period during which the contested measures were in force would merely be of useless historical value. For that reason, the Italian Government has not sought to deny that the Commission's application is well founded.

The Italian Government merely repeats what it stated during the hearing on the application for interim measures, that is to say, that the contested circulars were adopted in order to ensure more effective supervision of vehicles imported parallel to the normal distribution channels, having regard to the unlawful practices of which they were informed by the Italian police. Thus, the obstacles hindering the importation of the vehicles at issue were considered justified for reasons of public policy, particularly as the Italian Government gave an undertaking to remove those obstacles if circumstances changed.

With regard to the Commission's observations concerning the new circular, No 133/85 of 28 August 1985, the Italian Government considers them to be without foundation because that circular is not referred to in the main application.

However, in order to reply to the arguments put forward in that regard by the Commission, the Italian Government states in particular that:

(a) Circular No 133/85 merely lays down maximum time-limits and emphasizes the need to charge appropriate amounts, proportional to the cost of the service rendered. Those provisions constitute guarantees for the importer, not a restriction of his activities. The Italian Government emphasizes that, contrary to the Commission's claims, the procedures are normally completed within two or three days.

(b) Article 17 of Law No 15 of 4 January 1968 (*Gazzetta Ufficiale della Repubblica Italiana* No 23 of 27. 1. 1968) provides that the signatures on deeds and documents drawn up abroad by the authorities of foreign countries must be certified by Italian diplomatic or consular missions abroad. That formality can only be dispensed with by reciprocal agreements, such as those which have been signed with the Federal Republic of Germany and Austria. The documents must be certified in any event.

(c) Certificates of origin are accepted in so far as they assigned by the person having the power to sign them, that is, not merely the manufacturer, the owner of the individual undertaking or his legal representative, but also the managing director, or the general manager of the undertaking in question, even if the power to sign has not been delegated.

In the Italian Government's view, it follows from the foregoing that the measures complained of by the Commission are reasonable and do not create a genuine obstacle to trade other than that constituted by an ordinary check.

Having regard to the purpose of the application, the Italian Government asks the Court, if the Commission does not withdraw its application, either to declare that it has lost its purpose or to dismiss it and to order the Commission to pay the costs.

IV — Replies to questions put by the Court

Question put to the Italian Government

What is the exact content of the 'new document' which must be produced under the rules laid down in Circulars Nos 66/84 and 125/84, in the absence of the certificate of origin, in order to import vehicles registered in the exporting country?

Reply

The Italian Government points out that in regard to vehicles which have not yet been permanently registered in a foreign country, it is necessary to submit, both under Circulars Nos 66/84 and 125/84 and under the previous circular, No 104/83, the certificate of origin issued by the manufacturer. (Now, on the basis of Circular No 133/85, it is possible, in the alternative, to submit the declaration of conformity to a type approved abroad).

On the other hand, in regard to vehicles already permanently registered abroad, it is necessary to submit, under Circular No 66/84, the registration book, certified by the Italian consular authorities in the foreign country (or, under the later circular, No 125/84, in the alternative, the certificate of origin, as with new vehicles). Currently, under Circular No 133/85, the registration books issued by Member States of the EEC do not need to be certified.

Questions put to the Commission

Question 1

Starting on p. 7 of its application, the Commission describes 'the Italian rules which are the subject of the application'. Under that heading, it mentions first Circular No 104/83 of 3 May 1983 but states, at p. 8 of the application, that the provisions thereof are in conformity with the Treaty (see, to the same effect, the application for interim measures, p. 4).

However, it is stated at the end of p. 2 of the formal notice (Annex IV to the application) and on p. 5 of the reasoned opinion (Annex X to the application) that Circular No 104/83 is included in the Commission's criticism in the same way as the circulars which succeeded it.

The Commission is asked to state whether Circular No 104/83 of 3 May 1983 is or is not included in the application for a declaration that the Italian Republic has failed to fulfil its obligations and, if the reply to that question is in the affirmative, on precisely what basis.

Reply

The present application for a declaration that the Italian Republic has failed to fulfil its obligations does not include Circular No 104/83 of the Ministry of Transport of 3 May 1983. Its compatibility with the provisions of the EEC Treaty is not at issue. By applying in May 1985 for interim measures (Case 154/85 R), the Commission emphasized the need to re-establish the registration procedures applied in Italy until 30 June 1984, that is to say, precisely the procedures laid down in Circular No 104/83 (see pp. 6 and 7 of the application for interim measures dated 21 May 1985).

The foregoing is not in contradiction with the title to be found on p. 7 of the application ('the Italian rules which are the subject of the application'). The title is of

necessity general and must be understood in the light of the analysis contained in the text.

Circular No 104/83 was amended and supplemented by Circulars Nos 66 and 125/84. Those three circulars thus form a single body of legal rules and were cited as a unit by the Commission in its formal notice and in the reasoned opinion. However, a close reading of the three circulars reveals that the provisions in dispute are solely those contained in Circulars Nos 66 and 125/84, particularly by virtue of the fact that they introduced an obligation to:

(i) submit a new technical document in place of those usually issued by the authorities of the other Member States (that is to say, the certificate of conformity and the registration book), and that document is difficult to obtain;

(ii) have the abovementioned document certified.

In order to define the purpose of the present application, it should also be made clear that with regard to Circular No 22/85, which came into force on 1 March 1985 (see Annex I to the application), the provisions which are at issue are, in particular, those which make registration of vehicles subject:

(i) to an obligation to submit, in every case, the certificate of origin issued by the manufacturer or his legal representative (thus abolishing the alternative procedure provided for in Circular No 104/83), which certificate is issued only in return for a substantial consideration (that is to say, a really exorbitant price) and after an extremely long wait;

(ii) to technical checks which may also be carried out within excessively long time-limits.

Question 2

According to the statements on p. 4 of the reply one of the advantages of the rules laid down in Circular No 104/83 of 3 May 1983 is the choice between two registration systems based on the submission of either the certificate of origin or the certificate of conformity and the registration book. The Commission is asked to state whether that choice applies to new vehicles or to vehicles already registered in the exporting Member State.

Reply

The possibility of choosing between the two procedures is open in regard to all vehicles already registered in the exporting Member State, whether new vehicles (that is, vehicles which have not previously been used) or used vehicles (vehicles which have already been on the road, for example, second-hand vehicles).

By initiating proceedings in respect of the infringement, the Commission has not sought to impose new or additional obligations on the Italian Government; it merely required the restoration of the procedures and arrangements which were in force on 30 June 1984. Those procedures made it possible for the parallel importer to choose between them.

Similarly, the Commission wished and wishes to remind the Member States of their obligation to lay down registration procedures which are simple, rapid and

accessible to all traders so as to ensure at all times and in all circumstances that the advantages of the common market are available in respect of parallel imports of all vehicles, whether:

new vehicles not yet registered in the exporting country;

new vehicles already registered in the exporting country (but which have not been in circulation in that country); or

used vehicles, that is to say, vehicles registered and already in circulation in the exporting country.

V — Oral procedure

The Commission of the European Communities, represented by A. Abate, a member of its Legal Department, acting as Agent, and the Italian Republic, represented by O. Fiumara, Avvocato dello Stato, presented oral argument at the sitting on 17 February 1987.

The Advocate General delivered his Opinion at the sitting on 31 March 1987.

Y. Galmot
Judge-Rapporteur