That provision must however be combined with Article 9 of Directive 64/433, which was applicable at the material time referred to by the national court, and from this conjunction it may be seen that, as regards veterinary and public health inspections of fresh, chilled or frozen pigmeat from non-member countries, there is a derogation from the prohibition on the imposition of health inspection charges to the extent necessary to ensure non-discriminatory treatment, on the one hand, of traders who put fresh meat on the market in intra-Community trade and thereby become liable to pay health inspection charges in the exporting Member State, and, on the other hand, of those who import from non-member countries, provided that those charges do not exceed the actual cost of the inspections (see judgment of 28 June 1978 in Case 70/77 *Simmenthal* [1978] ECR 1453).

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Jacobs delivered his Opinion on 28 June 1989.* He concluded that the Court should rule as follows:

As regards veterinary and public health inspections of fresh, chilled or frozen pigmeat imported from third countries in the period 1971 to 1974, Article 9 of Council Directive 64/433/EEC in conjunction with Article 17(2) of Council Regulation No 121/67/EEC derogates from the prohibition on the imposition of health inspection charges to the extent necessary to ensure non-discriminatory treatment, on the one hand, of traders who put such products on the market in intra-Community trade and thereby become liable to pay health inspection charges and, on the other hand, of those who imported from third countries, provided that those charges do not exceed the actual cost of the inspections.

* Original language: English.