



24.6.2010

NOTICE TO MEMBERS

Subject: Petition 0006/2010 by Mika Ollila (Finnish), on the interest rates on delayed payments when importing a vehicle in Finland

1. Summary of petition

The petitioner complains that the Finnish State applies an interest rate of 9% to delayed payments when importing a vehicle. This interest rate is well in excess of that applied for current banking transactions and, according to the petitioner, is intended to prevent the import of vehicles from other Member States, so is a barrier to the free movement of goods in the EU.

2. Admissibility

Declared admissible on 19 April 2010. Information requested from Commission under Rule 202(6).

3. Commission reply, received on 24 June 2010.

The Finnish State applies an interest rate of 0.5% on car tax unduly levied when a vehicle has been brought to Finland. This interest rate is well below that applied for current banking transactions. The petitioner complains that the low interest rate is intended to prevent the import of vehicles from other Member States, and so is a barrier to the free movement of goods in the EU.

The Court has consistently held that individuals are entitled to obtain repayment of charges levied in a Member State in breach of EU provisions. That right is the consequence and the complement of the rights conferred on individuals by EU provisions as interpreted by the Court. The Member State in question is therefore required, in principle, to repay charges

levied in breach of EU law.¹

However, it also follows from the case-law of the Court of Justice that in the absence of EU rules on the repayment of national charges wrongly levied, it is for the domestic legal system of each Member State to designate the courts and tribunals having jurisdiction and to lay down the detailed procedural rules governing actions for safeguarding rights which individuals derive from EU law. The Court of Justice has also held that such national rules must not be less favourable than those governing similar domestic actions (the principle of equivalence) and must be effective, i.e. they do not render virtually impossible or excessively difficult the exercise of rights conferred by Community law (the principle of effectiveness)².

In the case at hand there are, as far as the Commission is aware, no indications that the two conditions mentioned above have been breached. Consequently, if a citizen is not satisfied with the situation, he or she will have to have recourse to the national means of redress – administrative or judicial.

¹ See, in particular, Joined Cases C-192/95 to C-218/95 Comateb and Others, paragraph 20; Joined Cases C-397/98 and C-410/98 Metallgesellschaft and Others, paragraph 84; Case C-62/00 Marks & Spencer, paragraph 30; and Case C-147/01, Weber's Wine World, paragraph 93.

² See, in particular, Metallgesellschaft and Others, paragraph 85, Case C-255/00 Grundig Italiana, paragraph 33; and Weber's Wine World, paragraph 103.