

EN

E-001232/2020

Answer given by Mr Breton
on behalf of the European Commission
(18.5.2020)

On 24 January 2019, the Commission decided to send a letter of formal notice to Germany regarding restrictions on imports of coffee¹. Under the German Coffee Tax Law, retailers established in another Member State selling coffee to private consumers in Germany must appoint a fiscal representative located in Germany. The Commission considers that this requirement hinders the ability of retailers from other Member States to freely sell coffee in Germany. Therefore, the Commission considers that it breaches the free movement of goods and freedom to provide services principles (Articles 34 and 56 of the Treaty on the Functioning of the EU). Germany responded to the arguments raised and the Commission is assessing the German reply.

As regards compensation for Belgian companies, the Commission recalls that, as the Court has repeatedly held, the principle that the State is liable for loss and damage caused to individuals, as a result of breaches of EU law, for which the State can be held responsible, is inherent in the system of the Treaty². Nevertheless, the rules regarding reparation for damage caused by a breach of EU law are determined by the national law of each Member State, in conformity with the principles of equivalence and effectiveness³.

¹ https://ec.europa.eu/commission/presscorner/detail/EN/MEMO_19_462

² Judgments in Francovich and Others, paragraph 35; Joined Cases C-46/93 and C-48/93 Brasserie du Pêcheur and Factortame [1996] ECR I-1029, paragraph 31; Case C-392/93 The Queen v HM Treasury ex parte British Telecommunications [1996] ECR I-1631, paragraph 38; Case C-5/94 Hedley Lomas [1996] ECR I-2553, paragraph 24; Joined Cases C-178/94, C-179/94, C-188/94, C-189/94 and C190/94 Dillenkofer and Others [1996] ECR I-0000, paragraph 20)

³ Case C-168/15