

Oslo Conference 18 – 19 May 2011 on The Reach of Free Movement

Outline of paper by professor *Ulf Bernitz*, Stockholm University May 19<sup>th</sup>, 2011

## **On Free Movement and National Monopolies**

What can we learn from the Swedish monopoly cases?

On the importance of the proper arguments.

### *1. Introduction*

Presentation of the problem and the issues

### *2. The principal Swedish monopoly cases, an overview of a case law journey*

The Franzén case, C-189/95 on the alcohol monopoly (retail, wholesale and restaurants)

The Hanner case, C-438/02 on the pharmacy retail monopoly

The Gourmet case, C-405/98 on total prohibition of alcohol advertising

The Rosengren case, C-170/04 on internet import of alcohol

The Wermdö Krog (=restaurant) case, RÅ 2004 ref 95 (The Swedish Supreme Administrative Court) on the gambling monopoly

The Sjöberg and Gerdin case, C-447 and 448/08 on the gambling monopoly (newspaper advertising for providers of internet gambling)

The Jelinek and Stigell case, RÅ 2004 ref. 41 (The Swedish Supreme Administrative Court) on medical and dental treatment abroad

### *3. Principal lessons to be learnt from the Swedish monopoly cases*

Cases to compare:

The Bacardi case, C-262/02, C-429/02 on alcohol advertising

The Apothekammer des Saarlandes case, C-171 and 172/07 on the requirements for pharmacies

*4. Reflections on current trends and possible new developments*

*5. Reflections on the scope of the scope of the services of general economic interest concept*

Can it be a possible alternative?