

*TEU, art. 2 (...)*

*3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance (...).*

### ***TFEU Article 26***

(ex Article 14 TEC)

1. The Union shall adopt measures with the aim of establishing or **ensuring** the functioning of the internal market, in accordance with the relevant provisions of the Treaties.

2. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.

3. The Council, on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned.

### ***TFUE, Article 29***

(ex Article 24 TEC)

Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges.

## ***CHAPTER 3***

### ***PROHIBITION OF QUANTITATIVE RESTRICTIONS BETWEEN MEMBER STATES***

#### ***Article 34***

(ex Article 28 TEC)

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

#### ***Article 35***

(ex Article 29 TEC)

Quantitative restrictions on exports, and all measures having equivalent effect,

shall be prohibited between Member States.

### *Article 36*

(ex Article 30 TEC)

The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on **grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures** possessing artistic, historic or archaeological value; or the **protection of industrial and commercial property**. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

(...)

### *TFEU Article 45*

3. It shall entail **the right**, subject to limitations justified on grounds of public policy, public security or public health:

(a) to **accept offers of employment actually made;**

(b) to **move freely within the territory of Member States for this purpose;**

(c) to **stay in a Member State for the purpose of employment** in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;

(d) to **remain in the territory of a Member State after having been employed** in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.

(...)

### *Article 49*

Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Freedom of establishment shall include the **right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms** within the meaning of the second paragraph of Article 54, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of the Chapter relating to capital.

### *Article 54*

**Companies or firms** formed in accordance with the law of a Member State and

having their registered office, central administration or principal place of business within the Union shall, for the purposes of this Chapter, **be treated in the same way as natural persons who are nationals of Member States.**

‘Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

#### *Article 56*

Within the framework of the provisions set out below, **restrictions on freedom to provide services within the Union shall be prohibited** in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may extend the provisions of the Chapter.

#### *Article 57*

(ex Article 50 TEC)

Services shall be considered to be ‘services’ within the meaning of the Treaties where they are **normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons.**

‘Services’ shall in particular include:

- (a) activities of an **industrial character**;
- (b) activities of a **commercial character**;
- (c) activities of **craftsmen**;
- (d) activities of the **professions**.

Without prejudice to the provisions of the Chapter relating to the right of establishment, the person providing a service may, in order to do so, temporarily pursue his activity in the Member State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

### *TFEU, Article 101*

(ex Article 81 TEC)

1. The following shall be **prohibited** as incompatible with the internal market: **all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market**, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

**2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.**

**3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:**

- any agreement or category of agreements between undertakings,
- any decision or category of decisions by associations of undertakings,
- any concerted practice or category of concerted practices,

**which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:**

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

### *Article 102*

(ex Article 82 TEC)

**Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between Member States.**

Such abuse may, in particular, consist in:

- (a) directly or indirectly **imposing unfair purchase or selling prices** or other unfair trading conditions;
  - (b) **limiting production, markets or technical development to the prejudice of consumers;**
  - (c) **applying dissimilar conditions** to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
  - (d) **making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.**
- (...)

### ***TFEU, Article 288***

(ex Article 249 TEC)

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

**A regulation shall have general application.** It shall be binding in its entirety and directly applicable in all Member States. EN 7.6.2016 Official Journal of the European Union C 202/171

**A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.**

**A decision shall be binding in its entirety.** A decision which specifies those to whom it is addressed shall be binding only on them.

**Recommendations and opinions shall have no binding force.**