

The Impact of Mutual Recognition and the Country of Origin Principle on the Internal Market

There is a French article in the new issue of the Journal du Droit International by Mathias Audit (*University of Caen, France*) entitled, “**Régulation du marché intérieur et libre circulation des lois**”. Professor Audit has kindly summarised the thrust of the article for us:

Since the Cassis de Dijon case, an original regulatory tool of the internal market has been developed in EU Law. It is founded on the idea that an economic activity developed on the ground of the law of a member state could be extended in other member states' territory following provisions of its law of origin. In other words, free movement of goods, services or capitals should imply a similar transborder movement of rules belonging to the state they come from.

Freedom of movement would therefore be extended to legal rules. The mutual recognition principle is the first illustration of this particular kind of regulatory tool. More recently, it also appeared in the so-called country of origin principle.

This study tends to evaluate the regulatory impact of these two principles on the internal market. This implies to examine the relations between them and private international law. The important function given to the law of origin by the two European law principles should either disrupt or revitalize classical mechanisms of conflict of laws.

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