
Editorial

Lambs to the Slaughter?

Direct action by French farmers has a long, if scarcely honourable tradition. Italian wine, Spanish tomatoes and English and Welsh lamb have all suffered in the past. When feelings run high in certain continental countries it is not unknown for manure to be dumped in front of public buildings. The spectacle of sheep (other than of the two-legged variety) running riot in the Charlemagne building or on the 13th floor of the Berlaymont is still in the future. Recently campaigns against imports of lambs into France from the United Kingdom have been in the headlines and it was not until late September that generally worded promises emanated from the French authorities that measures would be taken against perpetrators of the outrages.

Public order and security has been considered in a number of cases before the European Court of Justice in relation to actual or threatened direct action (see *Commission v France*, Case 42/82 [1983] ECR 1013 and *Cullet v Centre Leclerc Toulouse*, Case 231/83, [1985] ECR 305). It is clearly up to the national authorities, particularly in the light of Article 5 EEC, to ensure that local law and order disruptions do not prevent people from taking advantage of the free movement of goods. In Case 42/82, on the Franco-Italian wine war, there was no attempt to invoke public policy to justify the French measures. In Case 231/83 the Court simply indicated that the French Government had not shown that it could not deal with any perceived disruption using the means at its disposal. In any event there has been no attempt to invoke the security safeguard clause of Article 224 EEC. The observations of Advocate-General

VerLoren van Themaat in Case 231/83 [1985] ECR 305 at p 312 demonstrate the unacceptable consequences of permitting unruly actions by disaffected persons to create artificial barriers to trade. Inaction by national authorities, turning a blind eye, whether or not on the instructions of central government or with its tacit consent, should be clearly sanctioned by infringement proceedings. That, of course, may bring certain problems of proof, but for barbecued lamb cooked in lorries the proof of the pudding may well be in the heating!

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