

Before we go further, we have to define whether the hand held UV tanning device is a 'good' so that it can be applied to the provisions of the Treaty.

In Commission v Italy, 'goods' are defined as products which can be valued by money, and which are capable, as such, of forming the subject of commercial transactions. Hence, by applying the definition above, it is clear that UV tanning devices fall within the meaning of goods and therefore can be defined by the Treaty.

So far we have concerned, the first proposal is a measure which requires all the hand held UV tanning devices carry a safety warning printed directly onto the device as well as the packaging. This measure is related to the goods themselves. Thus, Tan-as-u-like Ltd has to consider whether the measure constitutes to QR or MEQRs in order to examine the legality of Swedish Government's action.

Under Article 34 TFEU, QR on imports and all MEQRs shall be prohibited between Member States. Generally, QR are easily recognised. In Geddo v Ente Nazionale Risi, QR are measures which amount to a total or partial restraint of, according to the circumstances, imports, exports or goods in transit. The examples are ban or quota which can be found in the case of R v Henn & Darby. So, by applying the definition above, we can say that the first proposal does not constitute to QR as the Swedish rule does not limit the import of these goods nor does it impose any type of quota.

Then, we have to determine whether the proposed measure is a MEQR. MEQRs are much more difficult to identify than QR. It was defined in Dassoville as the Treaty fail to provide the scope of this part and here comes Dassoville formula providing that all trading rules which are capable of hindering, directly or indirectly, actually or potentially, intra-Union trade are to be considered as MEQRs.

In the case of Walter Rau v De Smed, Belgium required all margarine for retail sale to be cube-shaped. This was held to be a MEQR as it renders the marketing of those products more difficult or more expensive to whom who would need to adapt their packaging to comply with the requirement that was not imposed by their own national legislation.

So, looking back to the first proposed measure, it can be said that it is a MEQR because any manufacturer of hand held tanning devices that wishes to import into Sweden will have to conform to this national legislation, which will