

Case 286/82 Luisi and Carbone v Ministero del Tesoro [1984] ECR -00377

Facts: Two Italians residents appealed against the Minister for the Treasury, who had decided that fine them for taking more money out of Italy than the maximum permitted under the currency regulations at the time. The applicants contended that they had exported the currency in order to receive treatment, and that this restriction was fundamentally against the freedoms of the TFEU.

Held: The freedom to receive services from a provider in another MS was a necessary corollary of the freedom to provide services. In this regard, the freedom to provide services included the freedom, for the recipients of services, to go to another member state in order to receive a service there, without being obstructed by restrictions, even in relation to payments. furthermore, tourists, persons receiving medical treatment and persons travelling for the purposes of education or business could also to be regarded as recipients of services. It would not be contrary to the Treaty to impose restrictions, but such control would have to be kept within the limits imposed by Community law, and could not have the effect of limiting payments and transfers in connection with the provision of services to a specific amount for each transaction or for a given period if it would interfere with the freedoms recognised by the Treaty. To do otherwise would risk rendering those freedoms illusory.