

Case C-19/92 Kraus [1993] ECR I-01663

Facts: A German national was refused by the Ministry of Sciences and Arts in Germany from having his British LLM accepted in Germany without prior authorisation from the German authorities. The applicant would have had to apply to the competent ministry to have it approved. However, had the applicant been in possession of a German qualification, no pre-authorisation would have been required. It was argued, in contrast, that this case could not even fall under EU law as it was purely internal.

Held: Firstly, the situation of a Community national who was in possession of an LLM awarded in another Member State, which was intended to facilitate access to a profession or, at least, was obtained in pursuit of an economic activity, was governed by Community law.

Secondly, Arts. 45 and 56 TFEU prevented a national measure from having the effect the German requirement had for pre-authorisation, as this was liable to hamper or render less attractive the exercise of the fundamental freedoms provided for in the Treaties. While it was justified for Germany to impose the restriction in order to protect the public from abuse of academic titles, the measures failed the proportionality test.