Case law

Topic	Case (link)	Date	Key holding (one line)	Practical takeaway
Preferential origin - improper claim / recovery procedures	**C-589/17 - Prenatal S.A.** (EUR-Lex) (EUR-Lex)	29 Jul 2019	Court clarified duties recovery where preferential origin has been wrongly claimed and limits on administrative remediation.	Ensure documentary proof for preferential claims is kept and be prepared for administrative recovery; origin certificates must be scrutinised in post-clearance checks.
Preferential origin - products from territories under restrictive measures	**C-67/23** (interpretation of Reg. 194/2008 re Burma/Myanmar) (CURIA) (Curia)	5 Sep 2024	Interprets when certificates of origin / preferential treatment can be refused for goods connected to sanctioned or restricted territories; processing in third countries does not automatically negate special measures.	Where sanctions/restrictive regimes apply, do not assume certificates of origin are decisive - check materially whether the goods fall within the scope of restrictive rules before granting preferential treatment.
Territorial scope of preferential agreements / disputed territories	**C-104/16 P - Council v Front Polisario** (EUR-Lex) (EUR-Lex)	21 Dec 2016	EU agreements cannot lawfully be applied to a disputed territory (Western Sahara) without consent of its people - preferential treatment cannot be extended unlawfully.	When relying on preferential trade deals, verify territorial scope - products from disputed territories may be excluded regardless of certificates issued by the controlling state.
Preferential origin / disputed territory - national application	**C-266/16 - Western Sahara Campaign UK** (CURIA) (Curia)	27 Feb 2018	Reaffirmed that preferential treatment under EU agreements cannot be extended to Western Sahara without legal/consensual basis; national authorities must respect Court?s interpretation.	Customs declarations for goods from disputed territories require extra diligence; preferential claims can be challenged and annulled.