



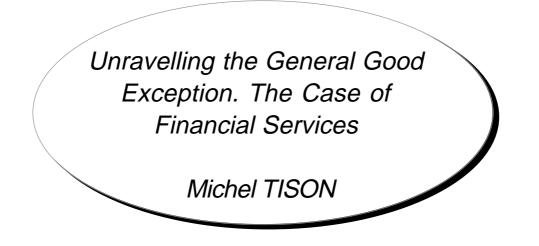
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Abstract

In this paper we try to analyze the scope and significance of the general good exception, which has been construed by the Court of Justice as a mitigation of the general prohibition of all restrictions, whether discriminatory or not, to free movement of services and freedom of establishment. After an overview of the case law of the Court of Justice relating to these freedoms, we examine the conditions attached to the possibility for the member states to invoke the general good in order to maintain their national regulation restricting free movement.

Notwithstanding the existence of EU directives in the area of financial services with a view to create an internal market, there still is a wide scope for applying the general good by the member states at the level of financial product regulation. In view of the difficulties and the uncertainties surrounding the general good clause, we finally look at possible alternatives which aim at reducing information costs and enhance transparency with respect to the practical application of the general good clause by the member states.

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As this working paper has been published in the abovementioned book, it is no longer available in working paper format. Readers are kindly referred to the published article

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