

JUDGMENT OF THE COURT

(Grand Chamber)

of 13 July 2004

in Case C-429/02 (reference for a preliminary ruling from the Cour de Cassation (France): Bacardi France SAS v Télévision française 1 SA (TF1) and Others⁽¹⁾)

(Article 59 of the EC Treaty (now, after amendment, Article 49 EC) — Directive 89/552/CEE — Television without frontiers — Television broadcasting — Advertising — National measure prohibiting television advertising for alcoholic drinks marketed in that Member State, in the case of indirect television advertising arising from the appearance on screen of hoardings visible during the transmission of sporting events — ‘Loi Evin’)

(2004/C 228/16)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-429/02: reference to the Court under Article 234 EC by the Cour de Cassation (France) for a preliminary ruling in the proceedings pending before that court between Bacardi France SAS, formerly Bacardi-Martini SAS, and Télévision française 1 SA (TF1), Groupe Jean-Claude Darmon SA, Giro Sport SARL, on the interpretation of Council Directive 89/552/CEE of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ 1989 L 298, p. 23) and Article 59 of the EC Treaty (now, after amendment, Article 49 EC) — the Court (Grand Chamber), composed of: V. Skouris, President, P. Jann (Rapporteur), A. Rosas, C. Gulmann, J.-P. Puissechet and J.N. Cunha Rodrigues (Presidents of Chambers), R. Schintgen, S. von Bahr and R. Silva de Lapuerta, Judges; A. Tizzano, Advocate General; M. Múgica Arzamendi, Principal Administrator, for the Registrar, gave a judgment on 13 July 2004, the operative part of which is as follows:

1. The first sentence of Article 2(2) of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities does not preclude a Member State from prohibiting television advertising for alcoholic beverages marketed in that State, in the case of indirect television advertising resulting from the appearance on screen of hoardings visible during the retransmission of bi-national sporting events taking place in the territory of other Member States.

That kind of indirect television advertising is not to be classed as ‘television advertising’ within the meaning of Articles 1(b), 10 and 11 of the directive.

2. Article 59 of the EC Treaty (now, after amendment, Article 49 EC) does not preclude a Member State from prohibiting television advertising for alcoholic beverages marketed in that State, in the case of indirect television advertising resulting from the appearance on screen of hoardings visible during the retransmission of bi-national sporting events taking place in other Member States.

⁽¹⁾ OJ C 19 of 25.1.2003.

JUDGMENT OF THE COURT

(First Chamber)

of 15 July 2004

in Case C-443/02 (reference for a preliminary ruling from the Tribunale di Pordenone): Nicolas Schreiber⁽¹⁾)

(Article 28 EC — Directive 98/8/EC — Placing of biocidal products on the market — National measure requiring authorisation for the placing on the market of blocks of red cedar wood having natural anti-moth properties)

(2004/C 228/17)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Court Reports)

In Case C-443/02: reference to the Court under Article 234 EC from the Tribunale di Pordenone (Italy) for a preliminary ruling in the criminal proceedings before that court against Nicolas Schreiber — on the interpretation of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ 1998 L 123, p. 1), and Article 28 EC — the Court (First Chamber), composed of: P. Jann (Rapporteur), President of the Chamber, A. Rosas, S. von Bahr, R. Silva de Lapuerta and K. Lenaerts, Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, gave a judgment on 15 July 2004, the operative part of which is as follows:

1. Article 3(2)(ii) of Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market does not preclude a Member State from requiring prior authorisation for the marketing of blocks of red cedar wood having natural anti-moth properties.

Such blocks cannot be classed as a product containing only a ‘basic substance’ such that they may be placed on the market in Italy without prior authorisation or registration, but must be classed as a ‘biocidal product’ within the meaning of Directive 98/8.