

2. Article 10 EC, read in conjunction with Article 11(1) of Directive 97/13, requires the national court to ascertain whether legislation which is clearly incompatible with Community law, such as that on which the fee assessments at issue in the main proceedings are based, constitutes manifest unlawfulness within the meaning of the national law concerned. If that is the case, it is for the national court to draw the necessary conclusions under its national law with regard to the withdrawal of those assessments.

⁽¹⁾ OJ C 273, 6.11.2004.
OJ C 284, 20.11.2006.

Judgment of the Court (Grand Chamber) of 12 September 2006 (reference for a preliminary ruling from the Østre Landsret (Denmark)) — Laserdisken ApS v Kulturministeriet

(Case C-479/04) ⁽¹⁾

(Directive 2001/29/EC — Harmonisation of certain aspects of copyright and related rights in the information society — Article 4 — Distribution rights — Rule of exhaustion — Legal basis — International agreements — Competition policy — Principle of proportionality — Freedom of expression — Principle of equal treatment — Articles 151 EC and 153 EC)

(2006/C 281/15)

Language of the case: Danish

Referring court

Østre Landsret (Denmark)

Parties to the main proceedings

Applicant: Laserdisken ApS

Defendant: Kulturministeriet

Re:

Reference for a preliminary ruling — Østre Landsret — Validity and interpretation of Article 4(2) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10) — Exhaustion of the rightholder's rights only as of the first sale or first other transfer of ownership in the Community by the rightholder or with his consent — Imports from third countries of DVDs of cinematographic works.

Operative part of the judgment

1. Consideration of the first question does not reveal any information such as to affect the validity of Article 4(2) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society.
2. Article 4(2) of Directive 2001/29 is to be interpreted as precluding national rules providing for exhaustion of the distribution right in respect of the original or copies of a work placed on the market outside the European Community by the rightholder or with his consent.

⁽¹⁾ OJ C 31, 05.02.2005.

Judgment of the Court (First Chamber) of 14 September 2006 (reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven — Netherlands) — J. Slob v Productschap Zuivel

(Case C-496/04) ⁽¹⁾

(Milk and milk products — Direct sales — Reference quantities — Overruns — Additional levy on milk — Obligation on producers to keep stock accounts — Article 7(1) and (3) of Regulation (EEC) No 536/93 — Supplementary national measures — Competence of the Member States)

(2006/C 281/16)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicant: J. Slob

Defendant: Productschap Zuivel

Re:

Reference for a preliminary ruling — College van Beroep voor het Bedrijfsleven — Interpretation of Article 7(1)(f) and (3) of Commission Regulation (EEC) No 536/93 of 9 March 1993 laying down detailed rules on the application of the additional levy on milk and milk products (OJ 1993 L 57, p.12) — Scope