

3. *Any rules or conduct which have the effect of reserving to the national bureau of a Member State or to its members or insurance companies which are established there the final decision as to the payment of damages to victims of accidents caused on the territory of that State by vehicles which are normally based in another Member State are not discriminatory within the meaning of Articles 52 and 59 of the Treaty.*
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**Action brought on 2 June 1977 by IFG-Intercontinentale Fleischhandelsgesellschaft mbH & Co KG against the Commission of the European Communities**

(Case 68/77)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 2 June 1977 by IFG-Intercontinentale Fleischhandelsgesellschaft mbH & Co KG whose registered office is at Gross-Gerau, assisted and represented by Dr Dietrich Ehle, Ulrich C. Feldmann and Dr U. Wiemann, Advocates at the Cologne Bar, with an address for service in Luxembourg at the Chambers of Jeanne Housse, 21, Rue Aldringen.

The subject-matter of the application is an action for damages as a result of the entry into force of Commission Regulation (EEC) No 2033/75 of 5 August 1975 amending the definition as laid down in Regulation (EEC) No 1090/75 (EXIM) of products falling within CCT subheading 16.02 B III (b) 1 (Official Journal 1975 No L 207, p. 8).

The applicant claims that the Court should:

1. Declare that the defendant must, by way of damages, guarantee performance of the applicant's contract of 14 May 1975;
  2. In the alternative, order that the defendant should pay the applicant by way of damages the profit which it failed to make through the non-performance of the contract of 14 May 1975;
  3. Order the defendant to pay the costs.
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**Action brought on 6 June 1977 by the Commission of the European Communities against the Italian Republic**

(Case 69/77)

An action against the Italian Republic was brought before the Court of Justice of the European Communities on 6 June 1977 by the Commission of the European Communities, assisted and represented by its Legal Adviser, Antonino Abate, with an address for service in Luxembourg at the office of Dr Mario Cervino, Jean Monnet Building, Kirchberg.

The applicant claims that the Court should:

- (a) Declare that the Italian Republic, by not putting into force within the prescribed period the necessary provisions to comply with Council Directives 74/150/EEC,

74/151/EEC, 74/152/EEC, 74/346/EEC and 74/347/EEC on the approximation of the laws of the Member States relating to wheeled agricultural or forestry tractors, has failed to fulfil its obligations under the Treaty;

- (b) Order the Italian Republic to pay the costs.

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Reference for a preliminary ruling made by order of the Pretura Unificata di Alessandria dated 28 May 1977 in the case pending before it between Simmenthal SpA and the Italian Minister for Finance

(Case 70/77)

The Court of Justice of the European Communities has received a reference for a preliminary ruling by order of the Pretura Unificata di Alessandria dated 28 May 1977 in the case of Simmenthal SpA, Monza, against the Italian Minister for Finance, which was lodged at the Court Registry on 6 June 1977 on the following questions:

1. Are Article 12 of Regulation No 14/64/EEC and Article 20 (2) of Regulation (EEC) No 805/68 to be interpreted as meaning that any pecuniary charge whatever imposed in a Member State at the time of a veterinary and public health inspection and levied at the frontier on bovine animals and meat imported from third countries constitutes a charge having an effect equivalent to a customs duty?
2. If the first question is answered in the affirmative, *with effect from what date* did the prohibition against the levying of the said pecuniary charges come into force?
3. Is Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries, in particular Articles 23 (4) and 26 thereof, to be interpreted as authorizing the Member States to reintroduce veterinary and health inspection duties on goods imported from third countries, *and with effect from what date?* or, on the other hand, do not the said provisions reinforce the prohibition on such charges having equivalent effect in that they oblige the States to make traders responsible for paying *only the actual expenditure* incurred in connection with veterinary and health inspection at the Community frontier?
4. If Directive 72/462/EEC authorizes the Member States to reintroduce veterinary and health duties, is that Directive, in particular Articles 12 (8), 23 (4) and 26 thereof, valid having regard to the fact that:
  - The Community measure in question is wholly devoid of a statement of grounds for the derogation from the prohibition laid down in Article 20 (2) of Regulation (EEC) No 805/68;
  - The Directive does not lay down either the amount or even the procedure or conditions for imposition of the pecuniary charge established thereunder, with the result that the charge is not a uniform and standard one and, in consequence, threatens to vary the common system of protection at the Community frontier;
  - The wording of the Directive implies a delegation of power to the Member States to derogate from the prohibition of charges having equivalent effect;