

which judgments are based requires those reasons, in particular, to be legally admissible, that is to say, relevant, free from errors of law or fact and consistent,

- infringement of the Staff Regulations of officials of the European Communities, in particular Article 73 thereof, and of the Rules on the Insurance of Officials of the European Communities against the risk of Accident and of Occupational Disease, in particular Article 3 thereof,
- breach of the general legal principles applying under Community law, namely, in particular, the principles of legal certainty, good faith, the protection of legitimate expectations and the duty to have regard for the welfare and/or interests of officials, of the principle that acts should be done within a reasonable time, and also of the principle that all administrative acts must be based on reasons which are legally admissible, that is to say, relevant and free from errors of law and/or fact.

References for preliminary rulings from the Pretura Circondariale di Bassano del Grappa by orders of that court of 21 March 1995 in the cases of 1. Danila Bonifaci and Others, 2. Wanda Berto and Others v. Istituto Nazionale della Previdenza Sociale (INPS)

(Cases C-94/95 and C-95/95)

(95/C 159/30)

References have been made to the Court of Justice of the European Communities by orders of the Pretura Circondariale di Bassano del Grappa (District Magistrate's Court, Bassano del Grappa) of 21 March 1995, which were received at the Court Registry on 24 March 1995, for preliminary rulings in the cases of 1. Danila Bonifaci and Others, 2. Wanda Berto and Others v. Istituto Nazionale della Previdenza Sociale (National Social Welfare Institution — INPS) on the following questions:

1. Must Article 4 (2) of Council Directive 80/987/EEC ⁽¹⁾ be interpreted as meaning that the Member States may opt to limit the liability of the guarantee institutions to pay remuneration to a particular period of time — in this case, 12 months — even in cases where the period in time in question was exceeded not because of inertia amounting to fault on the part of the employee concerned and, in particular, where the employee claims compensation for damage on account of the non-implementation or the belated implementation of the Directive itself?
2. In the event that question 1 is answered in the affirmative, must Article 4 (2) of the Directive be considered valid in the light of the principle of equality and non-discrimination?
3. Must paragraph 43 of the Judgment of the Court of Justice of 19 November 1991 in Joined Cases C-6/90 and C-9/90 Francovich and Others v. Italian Republic be interpreted as meaning that the substantive and

procedural conditions laid down by the national law of the Member States concerning claims for reparation of damage on account of failure to implement a Community directive must be the same as (or in any event not more unfavourable than) those laid down by the national legislator in belatedly implementing the Directive itself?

⁽¹⁾ OJ No L 283, 20. 10. 1980, p. 23.

Reference for a preliminary ruling from the Oberverwaltungsgericht für das Land Nordrhein-Westfalen by order of that court of 17 March 1995 in the case of Paul Daut GmbH & Co KG v. Oberkreisdirektor des Kreises Gütersloh

(Case C-105/95)

(95/C 159/31)

Reference has been made to the Court of Justice of the European Communities by an order of the Thirteenth Senate of the Oberverwaltungsgericht für das Land Nordrhein-Westfalen (Higher Administrative Court, North Rhine Westphalia) of 17 March 1995, which was received at the Court Registry on 31 March 1995, for a preliminary ruling in the case of Paul Daut GmbH & Co KG v. Oberkreisdirektor des Kreises Gütersloh on the following questions:

Is it compatible with Articles 30 and 36 of the EC Treaty in conjunction with Council Directive 64/433/EEC on health requirements and the marketing of fresh meat ⁽¹⁾ ('the fresh meat Directive') in the codified version annexed to Council Directive 91/497/EEC of 29 July 1991 ⁽²⁾ as amended by Directive 92/5/EEC of 10 February 1992 ⁽³⁾ and in conjunction with Directive 77/99/EEC on health problems affecting intra-Community trade in meat products ⁽⁴⁾ ('the meat products Directive') in the version annexed to Directive 92/5/EEC if the respondent — on the basis of paragraph 17 (1) (2) of the Verordnung über die hygienischen Anforderungen und amtlichen Untersuchungen beim Verkehr mit Fleisch (Regulations on hygiene requirements and official examinations relating to trade in meat, 'the FIHV') of 30 October 1986, BGBl I 1678, as last amended by the EWR-Ausführungsgesetz (EEA implementation law) of 27 April 1993, BGBl I 512, 552 — objects to the import of frozen mechanically recovered meat in the case of an EC-authorized German establishment which is in a position to carry out heat treatment within the meaning of the meat products Directive and obtains frozen mechanically recovered meat from an EC-authorized Belgian establishment in accordance with the designation of the Belgian EC veterinarian in order to subject it to heat treatment within the meaning of the meat products Directive and further process it, and if not is agreement with the competent German veterinary authority necessary and between whom?

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 2012.

⁽²⁾ OJ No L 268, 24. 9. 1991, p. 69.

⁽³⁾ OJ No L 57, 2. 3. 1992, p. 1.

⁽⁴⁾ OJ No L 26, 31. 1. 1977, p. 85.