12 December 1992 [1]: that Decision forms part of the primary law binding upon the Member States and on the institutions created by the Treaties. It constitutes a legal rule relating to the application of the Treaties, compliance with which is to be ensured by the Court. By deciding to hold eleven periods of plenary sessions in Strasbourg and, in parallel, to fix at eight the number of additional sessions in Brussels, the Parliament has failed to comply to the letter with the Edinburgh decision, which imposed on it a binding obligation to hold 12 plenary sessions in Strasbourg, the seat of the institution. Moreover, the contested decision does not respect the inherent balance of that decision and renders it nugatory,

— lack of competence: the European Parliament is obliged, in the exercise of its powers to regulate its internal organization, to respect the competence of the Member States to fix the location of the seats of the institutions. To allow the European Parliament to hold additional plenary sessions in Strasbourg without first holding the 12 monthly sessions in Strasbourg would effectively call in question the reality of the seat of the institution,

— breach of essential procedural requirements: the President of the European Parliament did not have the capacity to accept an amendment which is contrary to the Decision adopted in Edinburgh.

(In the alternative:) A statement of reasons should have been given for the contested Decision, despite the absence of any express provision to that effect in the Treaties.

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[1] OJ No C 341, 23. 12. 1992, p. 1.

Reference for a preliminary ruling from the Finanzgericht München by order of that court of 20 September 1995 in the case of Elisabeth Blasi v. Finanzamt München I

(Case C-346/95)

(95/C 351/12)

Reference has been made to the Court of Justice of the European Communities by an order of the Third Senate of the Finanzgericht München (Munich Finance Court) of 20 September 1995, which was received at the Court Registry on 9 November 1995, for a preliminary ruling in the case of Elisabeth Blasi v. Finanzamt München I on the following questions:

1. Is Article 13 (B) (b) (1) of Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes (Sixth VAT Directive) [1] to be interpreted as meaning that the provision of accommodation . . . in the hotel sector or in sectors with a similar function consists solely in the short-term accommodation of guests?

2. If question 1 is answered in the affirmative:

   (a) what period of accommodation can regularly by regarded as short-term?

   Is it no longer 'provision of accommodation in the hotel sector' if the operator keeps the rooms ready for long-term accommodation and this finds expression in the conclusion of a long-term letting agreement (longer than six months)?

   (b) Is a tax exemption under Article 13 (B) (b) (1) for a proportion of the time possible if it transpires that all the accommodation can be let on a short or long-term basis according to choice?

3. If question 1 is answered in the negative:

   On the basis of what temporal, spatial and conceptual criteria must the phrase 'provision of accommodation . . . in the hotel sector or in sectors with a similar function' be defined and which of them must necessarily be present?

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[1] OJ No L 145, p. 1.

Reference for a preliminary ruling by the Supremo Tribunal Administrativo (Second Chamber — Fiscal Matters) by judgment of that court of 11 October 1995 in the case of Fazenda Pública against UCAL (União das Cooperativas Abastecedoras de Leite de Lisboa, UCRL)

(Case C-347/95)

(95/C 351/13)

Reference has been made to the Court of Justice of the European Communities by judgment of the Supremo Tribunal Administrativo (Supreme Administrative Court) (Second Chamber — Fiscal Matters) of 11 October 1995, which was received at the Court Registry on 13 November 1995, for a preliminary ruling in the case of Fazenda Pública against UCAL (União das Cooperativas Abastecedoras de Leite de Lisboa, UCRL) on the following questions:

1. are the 'charges' described, which have the characteristics of taxes described above [1], contrary to Article 95 of the Treaty of Rome?

2. Are they to be regarded as charges having an effect equivalent to a customs duty on imports, prohibited by Articles 9 and 12 of that Treaty?

3. Are they to be regarded as turnover tax within the meaning fo Article 33 of the Sixth Directive [2], without

prejudice to Article 378 of the Act of Accession ([3]) or any other Community legislation?

([1]) Charges on milk products at the marketing stage, whether of domestic origin or imported, intended for public consumption, levied by Iroma.
([2]) Council Directive 77/388/EEC, OJ No L 145, p. 1.
([3]) OJ No L 302, 15. 11. 1985, p. 23.

Reference for a preliminary ruling by the Supremo Tribunal Administrativo (Second Chamber — Fiscal Matters) by judgment of that court of 19 October 1995 in the case of Fábrica de Queijo Eru Portuguesa Lda. against Ministério Público and Fazenda Pública

(Case C-348/95)

(95/C 351/14)

Reference has been made to the Court of Justice of the European Communities by judgment of the Supremo Tribunal Administrativo (Supreme Administrative Court) (Second Chamber — Fiscal Matters) of 19 October 1995, which was received at the Court Registry on 13 November 1995, for a preliminary ruling in the case of Fábrica de Queijo Eru Portuguesa Lda. against Ministério Público and Fazenda Pública on the following questions:

1. having regard to the facts deemed to have been proven in the present judgment and the applicable Community legislation, are the goods in question (cheese) ([1]) to be classified under subheading 0406 90 11 of the Common Customs Tariff (CCT) nomenclature ([2])?

2. If not, under which tariff heading should they be classified?

([1]) As described in footnote 2 of the information notice for Case C-164/95, published in OJ No C 189 of 22. 7. 1995, p. 12.
([2]) OJ No L 345 of 31. 12. 1994.

Reference for a preliminary ruling from the Hoge Raad der Nederlanden by judgment of that court of 3 November 1995 in the case of Frits Loendersloot v. George Ballantine & Son Ltd and Others

(Case C-349/95)

(95/C 351/15)

Reference has been made to the Court of Justice of the European Communities by judgment of the Hoge Raad der Nederlanden (Supreme Court of the Netherlands) of 3 November 1995, which was received at the Court Registry on 13 November 1995, for a preliminary ruling in the case of Frits Loendersloot v. George Ballantine & Son Ltd on the following questions:

(a) is the specific object of the rights attaching to a trade-mark to be regarded as including the power conferred on the proprietor of a trade-mark under national law to oppose, with regard to alcoholic drinks manufactured by him, the removal by a third party of labels affixed by the proprietor on bottles and on the packaging containing them, and bearing his mark, after the drinks have been placed by him on the Community market in that packaging, and the subsequent re-application of those labels by that third party or their replacement by similar labels, without thereby in some way damaging the original condition of the product?

(b) In so far as the labels are replaced by other similar labels, is the position different where the third party omits the indication 'pure' appearing on the original labels and/or, as the case may be, replaces the importer's name with another name?

(c) If question (a) falls to be answered in the affirmative, but the proprietor of the trade-mark avails himself of the power referred to in that question in order to prevent the third party from removing the identification marks which the trade-mark proprietor has affixed on or underneath the labels in order to enable the trade-mark proprietor to detect shortfalls within his sales organization and thus to combat parallel trade in his products, must such an exercise of the trade-mark right be regarded as a 'disguised restriction on trade between Member States' aimed at achieving an artificial compartmentalization of the markets?

(d) To what extent is the answer to question (c) affected where the trade-mark proprietor has affixed those identification marks either pursuant to a legal obligation or voluntarily, but in any event with a view to making a 'product recall' possible and/or in order to limit his product liability and/or to combat counterfeiting, or, as the case may be, solely in order to combat parallel trade?

Action brought on 10 November 1995 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-350/95)

(95/C 351/16)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 10 November 1995 by the Commission of the European Communities, represented by Dimitrios Gouloussis, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of the Legal Service, Wagner Centre, Kirchberg.

The Commission of the European Communities claims that the Court should: