Arbeit (Federal Labour Office) — on the interpretation of Article 1 (1) of Council Regulation (EEC) No 3427/89 of 30 October 1989 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 (OJ 1989 No L 331, p. 1) — the Court (Sixth Chamber), composed of C. N. Kakouris, President of the Chamber, G. Hirsch, G. F. Mancini, F. A. Schockweiler and J. L. Murray (Rapporteur), Judges; P. Léger, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 23 November 1995, in which it rules:

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended by Council Regulation (EEC) No 2001/83 of 2 June 1983, and as subsequently amending Regulation (EEC) No 3427/89 of 30 October 1989 amending Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71, does not prevent a national provision limiting the retroactive effect of applications for family benefits to a period of six months from being applied to an application by a Spanish national for payment as from 15 January 1986 of family benefits in respect of the members of his family resident in Spain.

(1) OJ No C 263, 29. 9. 1993.

JUDGMENT OF THE COURT

(Third Chamber)

of 23 November 1995

in Case C-476/93 P: Nutral SpA v. Commission of the European Communities (1)

(Appeal — Action for annulment of measures — Admissibility)

(96/C 31/07)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Courts Report)

In Case C-476/93 P: Nutral SpA, established at Casalbuttano, Cremona (Italy), represented by Emilio Cappelli and Paolo de Caterini, of the Rome Bar, and Mario de Bellis, of the Mantua Bar, with an address for service in Luxembourg at the Chambers of Charles Turk, 13b Avenue Guillaume — appeal against the order of the Court of First Instance of the European Communities of 21 October 1993 in Cases T-492/93 and T-492/93 R Nutral v. Commission [1993] ECR II-1023, seeking to have that order set aside, the other party to the proceedings being the Commission of the European Communities (Agents: Eugenio de March and Alberto Dal Ferro) — the Court (Third Chamber), composed of J.-P. Puissochet (Rapporteur), President of the Chamber, J. C. Moitinho de Almeida and C. Gulmann, Judges; D. Ruiz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 23 November 1995, in which it:

1. *dismisses the appeal;*

2. *orders the appellant to pay the costs.*

(1) OJ No C 43, 12. 2. 1994.

JUDGMENT OF THE COURT

of 30 November 1995

in Case C-55/94 (reference for a preliminary ruling from the Consiglio Nazionale Forense): Reinhard Gebhard v. Consiglio dell'Ordine degli Avvocati e Procuratori di Milano (1)

(Directive 77/249/EEC — Freedom to provide services — Lawyers — Possibility of opening chambers — Articles 52 and 59 of the EC Treaty)

(96/C 31/08)

(Language of the case: Italian)

(Provisional translation; the definitive translation will be published in the European Courts Report)

In Case C-55/94: reference to the Court under Article 177 of the EC Treaty from the Consiglio Nazionale Forense (National Council of the Bar), Italy, for a preliminary ruling in the proceedings pending before that court between Reinhard Gebhard and Consiglio dell'Ordine degli Avvocati e Procuratori di Milano — on the interpretation of Council Directive 77/249/EEC of 22 March 1977 to facilitate the effective exercise by lawyers of freedom to provide services (OJ 1977, No L 78, p. 17) — the Court, composed of G. C. Rodríguez Iglesias, President, C. N. Kakouris, D. A. O. Edward (Rapporteur) and G. Hirsch (Presidents of Chambers), G. F. Mancini, F. A. Schockweiler, J. C. Moitinho de Almeida, P. J. G. Kapteyn, C. Gulmann, J. L. Murray, P. Jann, H. Ragnemalm and L. Sevón, Judges; P. Léger, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 30 November 1995, in which it rules:

1. *The temporary nature of the provision of services, envisaged in the third paragraph of Article 60 of the EC Treaty, is to be determined in the light of its duration, regularity, periodicity and continuity.*

2. *The provider of services, within the meaning of the Treaty, may equip himself in the host Member State with the infrastructure necessary for the purposes of performing the services in question.*

3. *A national of a Member State who pursues a professional activity on a stable and continuous basis in another Member State where he holds himself out from an established professional base to, amongst others, nationals of that State comes under the provisions of the chapter relating to the right of establishment and not those of the chapter relating to services.*

4. *The possibility for a national of a Member State to exercise his right of establishment, and the conditions for the exercise of that right, must be determined in the light of the activities which he intends to pursue on the territory of the host Member State.*

5. *Where the taking-up of a specific activity is not subject to any rules in the host State, a national of any other Member State will be entitled to establish himself on the territory of the first State and pursue that activity there. On the other hand, where the taking-up or the pursuit of a specific activity is subject to certain conditions in the host Member State, a national of another Member State intending to pursue that activity must in principle comply with them.*

6. *National measures liable to hinder or make less attractive the exercise of fundamental freedoms guaranteed by the Treaty must fulfil four conditions: they must be applied in a non-discriminatory manner; they must be justified by imperative requirements in the general interest; they must be suitable for securing the attainment of the objective which they pursue; and they must not go beyond what it necessary in order to attain it.*

7. *Member States must take account of the equivalence of diplomas and, if necessary, proceed to a comparison of the knowledge and qualifications required by their national rules and those of the person concerned.*

(1) OJ No C 90, 26. 3. 1994.

JUDGMENT OF THE COURT

(Second Chamber)

of 30 November 1995

in Case C-113/94 (reference for a preliminary ruling from the French Cour de Cassation): Elisabeth Jacquier v. Directeur Général des Impôts (1)

(Article 95 of the Treaty — Differential tax on motor vehicles)

(96/C 31/09)

(Language of the case: French)

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

In Case C-113/94: reference to the Court under Article 177 of the EC Treaty from the French Cour de Cassation (Court of Cassation) for a preliminary ruling in the proceedings pending before that court between Elisabeth Jacquier, née Casarin and Directeur Général des Impôts — on the interpretation of Article 95 of the EC Treaty — the Court (Second Chamber), composed of G. Hirsch, President of the Chamber, G. F. Mancini and F. A. Schockweiler (Rapporteur), Judges; F. G. Jacobs, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 30 November 1995, in which it rules:

Article 95 of the EC Treaty does not preclude the application of national rules on motor vehicle taxation which provide for an increase in the progression coefficient of the kind at issue in the main proceedings, in so far as that increase does not have the effect of favouring the sale of vehicles of domestic manufacture over the sale of vehicles imported from other Member States.

(1) OJ No C 146, 28. 5. 1994.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 30 November 1995

in Case C-134/94 (reference for a preliminary ruling from the Tribunal Superior de Justicia de Canarias): Esso Española SA v. Comunidad Autónoma de Canarias (1)

(Petroleum products — Obligation to supply a particular area)

(96/C 31/10)

(Language of the case: Spanish)

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

In Case C-134/94: reference to the Court under Article 177 of the EEC Treaty from the Tribunal Superior de Justicia de Canarias (High Court of Justice of the Canary Islands, Spain) for a preliminary ruling in the proceedings pending before that court between Esso Española SA and the Comunidad Autónoma de Canarias on the interpretation of Articles 3 (c), 5, 6, 30, 36, 52, 53, 56, 85 and 102 (1) of the EC Treaty, the Court (Sixth Chamber), composed of G. Hirsch, acting as President of the Chamber, G. F. Mancini, F. A. Schockweiler, P. J. G. Kapteyn (Rapporteur) and H. Ragnemalm, Judges; G. Cosmas, Advocate General; R. Grass, Registrar, has given a judgment on 30 November 1995, in which it rules as follows:

1. *Articles 3 (c), 52 and 53 of the EC Treaty are not applicable to circumstances wholly internal to a Member State, such as where a company which has its head office in a Member State and pursues its activities there is required to comply with rules whereby the regional authorities of a Member State responsible for*