

Luxembourg at the Chambers of Loesch and Wolter, 11 Rue Goethe — appeal against the judgment of the Court of First Instance (Second Chamber) of 27 October 1994 in Case T-35/92 *John Deere v Commission* [1994] ECR II-97, seeking to have that judgment set aside, the other party to the proceedings being Commission of the European Communities, represented by Julian Currall, of its Legal Service, acting as Agent, and Nicholas Forwood QC — the Court (Fifth Chamber), composed of: C. Gulmann, President of the Chamber, J. C. Moitinho de Almeida, D. A. O. Edward, P. Jann and L. Sevón, (Rapporteur), Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Principal Administrator for the Registrar — has given a judgment on 28 May 1998, in which it:

1. *Dismisses the appeal;*
2. *Orders John Deere Limited to pay the costs.*

(¹) OJ C 54 of 4.3.1995.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 28 May 1998

in Case C-8/95 P: *New Holland Ford Ltd v Commission of the European Communities* (¹)

(Appeal — Admissibility — Question of law — Question of fact — Competition — Information exchange system — Restriction of competition — Refusal to grant an exemption)

(98/C 234/18)

(Language of the case: English)

In Case C-8/95 P: *New Holland Ford Ltd*, a company governed by the laws of England and Wales, established in Basildon (United Kingdom), represented by Mario Siragusa, of the Rome Bar, Giuseppe Scassellati-Sforzolini and Francesca Moretti, of the Bologna Bar, with an address for service in Luxembourg at the Chambers of Elvinger, Hoss & Preussen, Côte d'Eich — appeal against the judgment of the Court of First Instance (Second Chamber) of 27 October 1994 in Case T-34/92 *Fiatagri and New Holland Ford v Commission* [1994] ECR II-905, seeking to have that judgment set aside, the other party to the proceedings being Commission of the European Communities, represented by Julian Currall, of its Legal Service, acting as Agent, and Leonard Hawkes, Solicitor — the Court (Fifth Chamber), composed of: C. Gulmann, President of the Chamber, J. C. Moitinho de Almeida, D. A. O. Edward, P. Jann and L. Sevón, (Rapporteur),

Judges; D. Ruiz-Jarabo Colomer, Advocate General; L. Hewlett, Principal Administrator for the Registrar — has given a judgment on 28 May 1998, in which it:

1. *Dismisses the appeal;*
2. *Orders New Holland Ford Ltd to pay the costs.*

(¹) OJ C 54 of 4.3.1995.

JUDGMENT OF THE COURT

(First Chamber)

of 28 May 1998

in Case C-3/97 (reference for a preliminary ruling from the Court of Appeal (England and Wales) Criminal Division: criminal proceedings against John Charles Goodwin and Edward Thomas Unstead (¹))

(Tax provisions — Harmonisation of laws — Turnover taxes — Common system of value added tax — Sixth Directive — Scope — Supply of counterfeit perfume products)

(98/C 234/19)

(Language of the case: English)

In Case C-3/97: reference to the Court under Article 177 of the EC Treaty from the Court of Appeal (England and Wales) Criminal Division for a preliminary ruling in the criminal proceedings pending before that court against John Charles Goodwin and Edward Thomas Unstead on the interpretation of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ L 145 of 13.6.1977, p. 1) — the Court (First Chamber), composed of: M. Wathelet, President of the Chamber, D. A. O. Edward and P. Jann, (Rapporteur), Judges; P. Léger, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 28 May 1998, in which it has ruled:

On a proper construction of Article 2 of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, VAT is payable on the supply of counterfeit perfumes.

(¹) OJ C 74 of 8.3.1997.