

Correia Ferreira, his spouse, against Companhia de Seguros Mundial Confiança S.A. on the following questions:

1. Does Article 3 of Council Directive 84/5/EEC<sup>(1)</sup> require compulsory insurance against civil liability in respect of the use of motor vehicles to cover injury caused to the members of the family of the insured person or of the driver of the vehicle even where those persons are carried free of charge or where only strict civil liability, without negligence, arises, or may the Member State exclude the award of any compensation in such cases?
2. Are the minimum capital sums insured laid down in Article 1(2) of Directive 84/5/EEC also applicable to situations where strict civil liability, without negligence, arises or may the Member State legislate to the effect that, where there is no negligence on the part of the driver of the vehicle causing the accident, the maximum limits of the compensation payable are to be lower than those limits?
3. Must the national court interpret its domestic law so as to render it compatible with the provisions of a directive where the directive has been defectively transposed or where pre-existing provisions of domestic law remain in force?
4. Is that the case even where that interpretation is contrary to the construction generally put on the meaning and scope of the provisions of its domestic law, or even where that interpretation is consonant with the intentions of the national legislature, which has nevertheless not succeeded in expressing them in the text of the law?
5. And must the national court adopt that interpretation conforming to the provisions of the Community directive even in a dispute involving only private persons?
6. Must the national court adopt an interpretation of its domestic law conforming to the provisions of Article 1 of Council Directive 90/232/EEC<sup>(2)</sup> even in the case of an accident which occurred before the end of the period allowed for the Member State to transpose that provision into its domestic law?
7. If it should be concluded that it is not possible to interpret domestic law so as to render it consonant with the provisions of a directive, does the primacy of Community law mean that the national court must exclude the application of domestic provisions which are incompatible with the directive, even in the case of a dispute involving only private persons?

<sup>(1)</sup> OJ L 8, 11.1.1984, p. 17.

<sup>(2)</sup> OJ L 129, 19.5.1990, p. 33.

Reference for a preliminary ruling by the Diikitiko Protodikio, Piraeus (Fourth Chamber (Three Judges)), by judgment of that court of 29 May 1998 in the case of Henkel Hellas ABEE against the Greek State

(Case C-350/98)

(98/C 358/15)

Reference has been made to the Court of Justice of the European Communities by judgment of the Diikitiko Protodikio (Administrative Court of First Instance), Piraeus (Fourth Chamber (Three Judges)), of 29 May 1998, received at the Court Registry on 24 September 1998, for a preliminary ruling in the case of Henkel Hellas ABEE against the Greek State on the following questions:

1. Is the duty charged by the Greek state pursuant to Article 42(6) of Law 2065/1992 equivalent to the capital duty laid down by Article 4 of Council Directive 66/335/EEC<sup>(1)</sup> as subsequently amended, taking into account that on 1 July 1984 no such capital duty existed in Greece?
2. If so, taking account of Greece's special fiscal situation, may the rate of that duty exceed the rate of 1% in the abovementioned directive?

<sup>(1)</sup> OJ L 249, 3.10.1969, p. 25.

Appeal brought on 24 September 1998 by Laboratories Pharmaceutiques Bergaderm SA and Jean-Jacques Goupil against the judgment delivered on 16 July 1998 by the Third Chamber of the Court of First Instance of the European Communities in Case T-199/96 between Laboratories Pharmaceutiques Bergaderm SA and Jean-Jacques Goupil and the Commission of the European Communities

(Case C-352/98 P)

(98/C 358/16)

An appeal against the judgment delivered on 16 July 1998 by the Third Chamber of the Court of First Instance of the European Communities in Case T-199/96 between Laboratories Pharmaceutiques Bergaderm SA and Jean-Jacques Goupil and the Commission of the European Communities was brought before the Court of Justice of the European Communities on 24 September 1998 by Laboratories Pharmaceutiques Bergaderm SA and Jean-Jacques Goupil, represented by Jean-Pierre Spitzer and Yves-Marie Moray, of the Paris Bar.