

European Communities, employed in the European Institute for Transuranic Elements, Karlsruhe (Germany), represented by J.-N. Louis, T. Demaseure and A. Tornel, of the Brussels Bar, with an address for service in Luxembourg at the offices of Fiduciaire Myson SARL, 30, Rue de Cessange — appeal against the judgment of the Court of First Instance of the European Communities (Third Chamber) of 10 July 1997 in Case T-81/96 Apostolidis and Others v Commission [1997] ECR-SC I-A-207 and II-607, seeking to have that judgment set aside, the other party to the proceedings being Commission of the European Communities (Agents: G. Valsesia and J. Currall), supported by the Council of the European Union (Agents: M. Bishop and D. Canga Fano) — the Court (Sixth Chamber), composed of: P.J.G. Kapteyn, President of the Chamber, G. Hirsch, J.L. Murray (Rapporteur), H. Ragnemalm and R. Schintgen, Judges; J. Mischo, Advocate General; H. von Holstein, Deputy Registrar, for the Registrar, has given a judgment on 5 October 1999, in which it:

1. Dismisses the appeal in its entirety;
2. Orders the applicants, the Commission of the European Communities and the Council of the European Union to bear their own costs.

(¹) OJ No C 357 of 22.11.1997.

JUDGMENT OF THE COURT

of 5 October 1999

in Case C-420/97 (reference for a preliminary ruling from the Hof van Cassatie): Leathertex Divisione Sintetici SpA v Bodetex BVBA (¹)

(Brussels Convention — Interpretation of Articles 2 and 5(1) — Commercial agency agreement — Action founded on separate obligations arising from the same contract and regarded as equal in rank — Jurisdiction of the court seised to hear the whole action)

(2000/C 6/11)

(Language of the case: Dutch)

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

In Case C-420/97: Reference to the Court under the Protocol of 3 June 1971 on the interpretation by the Court of Justice of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters by the Hof van Cassatie, Belgium, for a preliminary ruling in the proceedings pending before that court between Leathertex

Divisione Sintetici SpA and Bodetex BVBA on the interpretation of Articles 2 and 5(1) of the abovementioned Convention of 27 September 1968 (OJ 1978 L 304, p. 36), as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (OJ 1978 L 304, p. 1 and — amended text — p. 77) — the Court composed of: G.C. Rodríguez Iglesias, President, P.J.G. Kapteyn, J.-P. Puissochet, G. Hirsch and P. Jann (Presidents of Chambers), J.C. Moitinho de Almeida (Rapporteur), D.A.O. Edward, H. Ragnemalm and L. Sevón, M. Wathelet and R. Schintgen, Judges; P. Léger, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 5 October 1999, in which it has ruled:

On a proper construction of Article 5(1) of the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters, as amended by the Convention of 9 October 1978 on the Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, the same court does not have jurisdiction to hear the whole of an action founded on two obligations of equal rank arising from the same contract when, according to the conflict rules of the State where that court is situated, one of those obligations is to be performed in that State and the other in another Contracting State.

(¹) OJ C 41 of 7.2.1998.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 5 October 1999

in Case C-433/97 P: IPK-München GmbH v Commission of the European Communities (¹)

(Appeal — Annulment of a decision of the Commission to refuse to pay the balance of financial assistance)

(2000/C 6/12)

(Language of the case: German)

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

In Case C-433/97 P: IPK-München GmbH, established in Munich (Germany), represented by H.-J. Priess, of the Brussels Bar, 13 Place des Barricades, B-1000 Brussels — appeal against the judgment of the Court of First Instance of the European Communities (First Chamber) of 15 October 1997 in Case T-331/94 IPK v Commission [1997] ECR 11-1665, seeking to have that judgment set aside, the other party to the proceedings being Commission of the European Communities (Agent: