

The first sentence of Article 3a(3) of Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector, as amended by Council Regulation (EEC) No 1639/91 of 13 June 1991, must be interpreted in the light of the principles governing the system for the grant of a special reference quantity as meaning that a producer holding an original reference quantity who provisionally receives a special reference quantity in addition may not be definitively allocated that special reference quantity, regardless of the other conditions required, when he himself has not used it in order to increase current milk production on his holding. That is the case where such a producer leases out his original reference quantity and produces on his holding only his provisional special reference quantity of milk.

(¹) OJ C 278 of 5.9.1998.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 25 May 2000

in Case C-50/99 (reference for a preliminary ruling from the Tribunal de Grande Instance, Paris): Jean-Marie Podesta v Caisse de Retraite par répartition des Ingénieurs Cadres & Assimilés (CRICA) and Others (¹)

(Social policy — Equal pay for men and women — Private, inter-occupational, supplementary retirement pension scheme based on defined contributions and run on a ‘pay-as-you-go’ basis — Survivors’ pensions for which the age conditions for grant vary according to sex)

(2000/C 233/19)

(Language of the case: French)

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

In Case C-50/99: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Tribunal de Grande Instance, Paris, for a preliminary ruling in the proceedings pending before that court between Jean-Marie Podesta and Caisse de Retraite par répartition des Ingénieurs Cadres & Assimilés (CRICA) and Others — on the interpretation of Article 119 of the EC Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC) — the Court (Fifth Chamber), composed of: D.A.O. Edward, President of the Chamber, L. Sevón, P.J.G. Kapteyn (Rapporteur), P. Jann and M. Wathelet, Judges; J. Mischo, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 25 May 2000, in which it has ruled:

Article 119 of the EC Treaty (Articles 117 to 120 of the EC Treaty have been replaced by Articles 136 EC to 143 EC) applies to supplementary retirement pension schemes, such as that at issue in the main proceedings, and precludes those schemes from discriminating, as from 17 May 1990, between men and women in respect of the age at which their spouse is entitled to a survivor's pension following the death of those employees.

(¹) OJ C 100 of 10.4.1999.

JUDGMENT OF THE COURT

(Second Chamber)

of 8 June 2000

in Case C-98/98 (reference for a preliminary ruling from the High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court)): Commissioners of Customs & Excise v Midland Bank plc (¹)

(Value added tax — First and Sixth VAT Directives — Deduction of input tax — Taxable person carrying out both taxable and exempt transactions — Attribution of input services to output transactions — Need for a direct and immediate link)

(2000/C 233/20)

(Language of the case: English)

In Case C-98/98: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the High Court of Justice (England & Wales), Queen's Bench Division (Divisional Court), United Kingdom, for a preliminary ruling in the proceedings pending before that court between Commissioners of Customs & Excise plc and Midland Bank plc — on the interpretation of Article 2 of the First Council Directive 67/227/EEC of 11 April 1967 on the harmonisation of legislation of Member States concerning turnover taxes (OJ, English Special Edition 1967, p. 14) and Article 17(2), (3) and (5) of the 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 1977 L 145, p. 1) — the Court (Second Chamber), composed of: R. Schintgen, President of the Chamber, G. Hirsch (Rapporteur) and H. Ragnemalm, Judges; A. Saggio, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 8 June 2000, in which it has ruled: