

9 July 1997 on measures taken by Portugal to assist EPAC — Empresa Para a Agroalimentação e Cereais, SA (OJ 1997 L 311, p. 25) — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida, D.A.O. Edward, L. Sevón (Rapporteur) and R. Schintgen (Presidents of Chambers), P.J.G. Kapteyn, C. Gulmann, P. Jann, H. Ragnemalm, M. Wathelet and V. Skouris, Judges; D. Ruiz-Jarabo Colomer, Advocate General; H. von Holstein, Deputy Registrar, has given a judgment on 27 June 2000, in which it:

1. Declares that, by failing to comply with Commission Decision 97/762/EC of 9 July 1997 on measures taken by Portugal to assist EPAC — Empresa Para a Agroalimentação e Cereais, SA, the Portuguese Republic has failed to fulfil its obligations under the Treaty;
2. Orders the Portuguese Republic to pay the costs.

(¹) OJ C 41 of 7.2.1998.

JUDGMENT OF THE COURT

of 27 June 2000

in Joined Cases C-240/98 to C-244/98 (reference for a preliminary ruling from the Juzgado de Primera Instancia No 35 de Barcelona): Océano Grupo Editorial SA v Rocío Murciano Quintero (C-240/98) and Salvat Editores SA v José M. Sánchez Alcón Prades (C-241/98), José Luis Copano Badillo (C-242/98), Mohammed Berroane (C-243/98) and Emilio Viñas Feliú (C-244/98)(¹)

(Directive 93/13/EEC — Unfair terms in consumer contracts — Jurisdiction clause — Power of the national court to examine of its own motion whether that clause is unfair)

(2000/C 302/07)

(Language of the case: Spanish)

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

In Joined Cases C-240/98 to C-244/98: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) by the Juzgado de Primera Instancia (Court of First Instance) No 35 de Barcelona, Spain, for a preliminary ruling in the proceedings pending before that court between Océano Grupo Editorial SA v Rocío Murciano Quintero (C-240/98) and Salvat Editores SA v José M. Sánchez Alcón Prades (C-241/98), José Luis Copano Badillo (C-242/98), Mohammed Berroane (C-243/98) and Emilio Viñas Feliú (C-244/98), on the interpret-

ation of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29) — the Court, composed of: G.C. Rodríguez Iglesias, President, L. Sevón (President of Chamber), P.J.G. Kapteyn, C. Gulmann, J.-P. Puissechet, G. Hirsch, P. Jann (Rapporteur), H. Ragnemalm, M. Wathelet, V. Skouris and F. Macken, Judges; A. Saggio, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 27 June 2000, in which it held that:

1. The protection provided for consumers by Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts entails the national court being able to determine of its own motion whether a term of a contract before it is unfair when making its preliminary assessment as to whether a claim should be allowed to proceed before the national courts.
2. The national court is obliged, when it applies national law provisions predating or postdating the said Directive, to interpret those provisions, so far as possible, in the light of the wording and purpose of the Directive. The requirement for an interpretation in conformity with the Directive requires the national court, in particular, to favour the interpretation that would allow it to decline of its own motion the jurisdiction conferred on it by virtue of an unfair term.

(¹) OJ C 278 of 5.9.1998.

JUDGMENT OF THE COURT

(First Chamber)

of 29 June 2000

in Case C-455/98 (reference for a preliminary ruling from the Tampereen Käräjäoikeus): Tullihallitus v Kaupo Salumets and Others(¹)

(Tax provisions — Harmonisation of laws — Turnover taxes — Common system of value added tax — Sixth Directive — Tax on importation — Scope — Contraband importation of ethyl alcohol)

(2000/C 302/08)

(Language of the case: Finnish)

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

In Case C-455/98: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Tampereen