

## I

(Information)

## COURT OF JUSTICE

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## JUDGMENT OF THE COURT

(First Chamber)

of 17 October 2000

**in Case C-114/99 (reference for a preliminary ruling from the Cour Administrative d'Appel de Nancy): Roquette Frères SA v Office national interprofessionnel des céréales (ONIC)<sup>(1)</sup>**

*(Agriculture — Common organisation of the markets — Export refunds — Cereals — Conditions for payment — Processing as a product likely to be re-imported into the Community)*

(2000/C 372/01)

(Language of the case: French)

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

In Case C-114/99: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Cour Administrative d'Appel de Nancy (Administrative Court of Appeal, Nancy), France, for a preliminary ruling in the proceedings pending before that court between Roquette Frères SA and Office national interprofessionnel des céréales (ONIC) — on the interpretation of Article 5(1) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ 1987 L 351, p. 1) — the Court (First Chamber), composed of: M. Wathelet, President of the Chamber, P. Jann and L. Sevón (Rapporteur), Judges; S. Alber, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 7 October 2000, in which it has ruled:

Article 5(1) of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products is to be interpreted as meaning that payment of an export refund cannot be made conditional on production of additional evidence of such a kind as to show that a product which, in the non-member country of import, has undergone processing regarded as substantial in that it has been used in an irreversible manner in the manufacture of another product, which is itself likely to be re-exported into the Community, has actually been placed on the market in that country in the unaltered state.

<sup>(1)</sup> OJ C 188 of 3.7.1999.

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 19 October 2000

**in Joined Cases C-15/98 and C-105/99: Italian Republic and Sardegna Lines — Servizi Marittimi della Sardegna SpA v Commission of the European Communities<sup>(1)</sup>**

*(State aid — Aid from the Region of Sardinia to shipping companies in Sardinia — Adverse effect on competition and trade between Member States — Statement of reasons)*

(2000/C 372/02)

(Language of the case: Italian)

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

In Joined Cases C-15/98 and C-105/99: Italian Republic (Agents: Professor U. Leanza, and P.G. Ferri) (C-15/98) and

Sardegna Lines — Servizi Marittimi della Sardegna SpA established in Cagliari, Italy, represented by F. Caruso, U. Iaccarino, B. Carnevale and C. Caruso, of the Naples Bar, with an address for service in Brussels at the Chambers of F. Caruso, 2A Rue Van Moer (C-105/99) v Commission of the European Communities (Agents: D. Triantafyllou and S. Dragone) — application for annulment, in Cases C-15/98 and C-105/99, of Commission Decision 98/95/EC of 21 October 1997 concerning aid granted by the Region of Sardinia (Italy) to shipping companies in Sardinia (OJ 1998 L 20, p. 30) and, in Case C-15/98, of the letter of 14 November 1997 by which the Commission notified the Italian Republic of its decision to initiate the procedure provided for in Article 93(2) of the EC Treaty (now Article 88(2) EC) regarding aid to the shipping sector (loans/leases at concessionary conditions for the acquisition, conversion and repair of vessels): amendment of aid scheme under C 23/96 (ex NN 181/95) (OJ 1997 C 386, p. 6) — the Court (Sixth Chamber), composed of: C. Gulmann, President of the Chamber, J.-P. Puissechet (Rapporteur) and F. Macken, Judges; N. Fennelly, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 19 October 2000, in which it:

1. Dismisses as inadmissible the Italian Republic's application in respect of the letter of 14 November 1997 by which the Commission notified the Italian Republic of its decision to initiate the procedure provided for in Article 93(2) of the EC Treaty (now Article 88(2) EC) regarding aid to the shipping sector (loans/leases at concessionary conditions for the acquisition, conversion and repair of vessels): amendment of aid scheme under C 23/96 (ex NN 181/95);
2. Annuls Commission Decision 98/95/EC of 21 October 1997 concerning aid granted by the Region of Sardinia (Italy) to shipping companies in Sardinia;
3. In Case C-15/98, orders the Italian Republic and the Commission of the European Communities to bear their own costs;
4. In Case C-105/99, orders the Commission of the European Communities to pay the costs.

(<sup>1</sup>) OJ C 94 of 28.3.1998.

## JUDGMENT OF THE COURT

(Sixth Chamber)

of 19 October 2000

**in Case C-216/98: Commission of the European Communities v Hellenic Republic<sup>(1)</sup>**

**(Failure of a State to fulfil obligations — Directive 95/59/EC — Article 9 — Minimum price — Manufactured tobacco)**

(2000/C 372/03)

(Language of the case: Greek)

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

In Case C-216/98: Commission of the European Communities (Agents: M. Condou-Durande and E. Traversa) v Hellenic Republic (Agents: P. Mylonopoulos, and N. Dafniou) — application for a declaration that, by adopting and maintaining in force legislative provisions which require minimum retail selling prices for manufactured tobacco to be determined by ministerial decree, the Hellenic Republic has failed to fulfil its obligations under Article 9 of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco (OJ 1995 L 291, p. 40) — the Court (Sixth Chamber), composed of: J.-P. Puissechet, acting as President of the Sixth Chamber, R. Schintgen and F. Macken (Rapporteur), Judges; F.G. Jacobs, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 19 October 2000, in which it:

1. Declares that, by adopting and maintaining in force legislative provisions which require minimum retail selling prices for manufactured tobacco to be determined by ministerial decree, the Hellenic Republic has failed to fulfil its obligations under Article 9 of Council Directive 95/59/EC of 27 November 1995 on taxes other than turnover taxes which affect the consumption of manufactured tobacco;

2. Orders the Hellenic Republic to pay the costs.

(<sup>1</sup>) OJ C 258 of 15.8.1998.