

Must Article 3(a) and (b) of the Treaty of Rome, the first recital in the preamble to, and Article 3(2) of, Directive 92/12 of 25 February 1992 on the general arrangements for products subject to excise duty⁽¹⁾, and the sixth and eighth recitals in the preamble to Directive 92/81 of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils⁽²⁾ be interpreted as precluding the French Republic from refusing to reimburse the domestic duty on petroleum products (TIPP) paid by a trader in petroleum products following the failure by one of his customers to make payment?

(¹) Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products (OJ 1992 L 76, 23.03.1992, p. 1).

(²) Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils (OJ 1992 L 316, 31.10.1992, p. 12).

Reference for a preliminary ruling by the French Cour de cassation, Commercial, Financial and Economic Chamber, by judgment of that court of 13 February 2001 in the case of SARL, Borie Manoux v Directeur de l'Institut national de la propriété industrielle (INPI)

(Case C-81/01)

(2001/C 108/18)

Reference has been made to the Court of Justice of the European Communities by a judgment of the French Cour de cassation (Court of Cassation), Commercial, Financial and Economic Chamber, of 13 February 2001, received at the Court Registry on 16 February 2001, for a preliminary ruling in the case of SARL Borie Manoux v Directeur de l'Institut national de la propriété industrielle (INPI) on the following question:

Must Article 40 of Regulation No 2392/89⁽¹⁾ be interpreted as prohibiting the registration as a trade mark, for the products covered by the regulation, of a geographical reference the use of which is not provided for by Article 11, even where the registration of such a trade mark is not likely to mislead the consumer as to the provenance of the wine and does not give rise to any confusion with a registered geographical designation, in so far as such registration might suggest that the geographical reference in question, which relates to the region where that wine is actually produced but which covers other designations of origin, is protected?

(¹) Council Regulation (EEC) No 2392/89 of 24 July 1989 laying down general rules for the description and presentation of wines and grape musts (OJ L 232, 9.8.1989, p. 13).

Reference for a preliminary ruling by the Tribunal de Grande Instance (Regional Court), Paris (31st Chamber) by judgment of that court of 19 February 2001 in the case of Ministère Public against John Greenham and Léonard Abel

(Case C-95/01)

(2001/C 108/19)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Grande Instance (Regional Court), Paris (31st Chamber) of 19 February 2001, received at the Court Registry on 27 February 2001, for a preliminary ruling in the case of Ministère Public against John Greenham and Léonard Abel on the following question:

Must Articles 28 and 30 of the Treaty be interpreted as prohibiting a Member State from preventing the free movement and marketing of a food supplement lawfully sold in another Member State?

Action brought on 27 February 2001 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-97/01)

(2001/C 108/20)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice on 27 February 2001 by the Commission of the European Communities, represented by S. Rating and F. Siredey-Garnier, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

- declare that, by failing to ensure the transposition in practice of Article 4d of Directive 90/388/EEC⁽¹⁾, as amended by Directive 96/19/EC⁽²⁾, the Grand Duchy of Luxembourg has failed to comply with its obligations;
- order the Grand Duchy of Luxembourg to pay the costs.