

JUDGMENT OF THE COURT

(Fifth Chamber)

of 7 November 2002

In Joined Cases C-260/00 to C-263/00 (Reference for a preliminary ruling from the Hessisches Finanzgericht, Kassel): Lohmann GmbH & Co. KG and Others ⁽¹⁾

(Common Customs Tariff — Tariff headings — Classification in the Combined Nomenclature of wrist orthoses, lumbar support belts, elbow supports and knee supports — Note 1(b) to Chapter 90 of the Combined Nomenclature)

(2002/C 323/15)

(Language of the case: German)

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

In Joined Cases C-260/00 to C-263/00: Reference to the Court under Article 234 EC by the Hessisches Finanzgericht, Kassel (Germany) for a preliminary ruling in the proceedings pending before that court between Lohmann GmbH & Co. KG (C-260/00 to C-262/00), medi Bayreuth Weihermüller & Voigtmann GmbH & Co. KG (C-263/00) and Oberfinanzdirektion Koblenz, on the interpretation of heading 9021 of the Combined Nomenclature, contained in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ 1987 L 256, p. 1), as amended by Commission Regulation (EC) No 1734/96 of 9 September 1996 (OJ 1996 L 238, p. 1), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C.W.A. Timmermans, D.A.O. Edward (Rapporteur), S. von Bahr and A. Rosas, Judges; A. Tizzano, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 7 November 2002, in which it has ruled:

1. *Tariff heading 9021 of the Combined Nomenclature, contained in Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff, as amended by Commission Regulation (EC) No 1734/96 of 9 September 1996, must be interpreted as meaning that products such as wrist orthoses, lumbar support belts, elbow supports and knee supports fall within that heading if they display characteristics which distinguish them, in particular by the materials of which they are made, their method of operation or their adjustability to the patient's specific handicaps, from ordinary belts and supports for general use. It is for the referring court to ascertain whether that is the case in the main proceedings.*

2. *The term 'solely' in Note 1(b) to Chapter 90 of the Combined Nomenclature must be interpreted as meaning that the note does not exclude from that chapter belts and supports of which characteristics other than their elasticity contribute to a significant extent to the intended effect on the organ to be supported or held.*

⁽¹⁾ OJ C 258 of 7.10.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 14 November 2002

in Case C-271/00 (Reference for a preliminary ruling from the Hof van Beroep te Antwerpen): Gemeente Steenbergen v Luc Baten ⁽¹⁾

(Brussels Convention — Scope — Action under a right of recourse under national legislation providing for payment of allowances by way of social assistance — Concept of 'civil matters' — Concept of 'social security')

(2002/C 323/16)

(Language of the case: Dutch)

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

In Case C-271/00: Reference to the Court pursuant to 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 Beroep te Antwerpen (Belgium), for a preliminary ruling in the proceedings pending before that court between Gemeente Steenbergen and Luc Baten, on the interpretation of Article 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 version — p. 77) and by the Convention of 25 October 1982 on the Accession of the Hellenic Republic (OJ 1982 L 388, p. 1), the Court (Fifth Chamber), composed of: C. W. A. Timmermans, President of the Fourth Chamber, acting as President of the Fifth Chamber, D. A. O. Edward, A. La Pergola, P. Jann (Rapporteur) and S. von Bahr, Judges; A. Tizzano, Advocate General; L. Hewlett, Principal Administrator, for the Registrar, has given a judgment on 14 November 2002, in which it has ruled: