relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ 1973 L 228, p. 3), as amended by Second Council Directive 88/357/EEC of 22 June 1988 (OJ 1988 L 172, p. 1), the Court (Fifth Chamber), composed of: M. Wathelet, President of the Chamber, C. W. A. Timmermans (Rapporteur), D. A. O. Edward, P. Jann and S. von Bahr, Judges; C. Stix-Hackl, Advocate General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 22 May 2003, in which it has ruled:

1. *The EC Treaty provisions on the common agricultural policy and Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organisation of the market in poultrymeat, as amended by Council Regulation (EEC) No 1235/89 of 3 May 1989, do not preclude a quasi-fiscal charge established by a Member State, such as a special insurance contribution levied on sales and purchases of domestic agricultural products which fall within the common organisation for the market in poultrymeat, the revenue from which is used to fund a public body responsible for the prevention of, and compensation for, damage caused to agricultural holdings by natural risks in that State.*

   Those Treaty provisions and Regulation No 2777/75, as amended by Regulation No 1235/89, do preclude such a quasi-fiscal charge however where it is such as to undermine the aims and objects of the common organisation of the market in question and, in particular, where it does in fact restrict intra-Community trade.

   It is for the national court to decide whether the contribution does in fact have that effect.

2. *Community law on the free movement of goods, in particular Articles 9 and 12 of the EC Treaty (now, after amendment, Articles 23 EC and 25 EC), Article 16 of the EC Treaty (repealed by the Treaty of Amsterdam) and Article 95 of the EC Treaty (now, after amendment, Article 90 EC), does not preclude a contribution such as that referred to in paragraph 1 of the operative part of the present judgment.*

3. *Benefits such as those provided by the Organismos Ellenikon Georgikon Asfaliseon (ELGA) under the compulsory insurance scheme against natural risks do not fall within the scope of either Article 59 of the EC Treaty (now, after amendment, Article 49 EC) and Article 60 of the EC Treaty (now Article 50 EC) or First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance, as amended by Second Council Directive 88/357/EEC of 22 June 1988.*

   Such a compulsory insurance scheme may, however, constitute a restriction on the freedom of insurance companies established in other Member States, who wish to offer services covering such risks in Greece, to provide services, within the meaning of those Treaty provisions. It is for the referring court to determine whether that scheme is in fact justified by social policy objectives and to examine, in particular, whether the cover provided by that compulsory insurance scheme is proportionate to those objectives.

4. *The term 'undertaking' within the meaning of Article 92 of the EC Treaty (now, after amendment, Article 87 EC) does not cover a body such as the Organismos Ellenikon Georgikon Asfaliseon (ELGA) in respect of its activities under the compulsory insurance scheme against natural risks.*

([1]) OJ C 335 of 25.11.2000.

JUDGMENT OF THE COURT

of 20 May 2003

in Joined Cases C-465/00, C-138/01 and C-139/01 (Reference for a preliminary ruling from the Verfassungsgerichtshof and Oberster Gerichtshof): Rechnungshof (C-465/00) v Österreichischer Rundfunk and Others and between Christa Neukomm (C-138/01), Joseph Lauermann (C-139/01) and Österreichischer Rundfunk ([1])

(Protection of individuals with regard to the processing of personal data — Directive 95/46/EC — Protection of private life — Disclosure of data on the income of employees of bodies subject to control by the Rechnungshof)

(2003/C 171/03)

(Language of the case: German)

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

In Joined Cases C-465/00, C-138/01 and C-139/01: References to the Court under Article 234 EC by the Verfassungsgerichtshof (C-465/00) and the Oberster Gerichtshof (C-138/01 and C-139/01) (Austria) for preliminary rulings in the proceedings pending before those courts between Rechnungshof (C-465/00) and Österreichischer Rundfunk, Wirtschaftskammer Steiermark, Marktgemeinde Kaltenleutgeben, Land Niederösterreich, Österreichische Nationalbank, Stadt Wiener Neustadt, Austrian Airlines, Österreichische Luftverkehrs-AG, and between Christa Neukomm (C-138/01), Joseph Lauermann (C-139/01) and Österreichischer Rundfunk, on the interpretation of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ 1995 L 281, p. 31), the Court, composed of: G. C. Rodríguez Iglesias, President,

J.-P. Puissochet, M. Wathelet (Rapporteur) and R. Schintgen (Presidents of Chambers), C. Gulmann, D. A. O. Edward, A. La Pergola, P. Jann, V. Skouris, F. Macken, N. Colneric, S. von Bahr and J. N. Cunha Rodrigues, Judges; A. Tizzano, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 20 May 2003, in which it has ruled:

1. *Articles 6(1)(c) and 7(c) and (e) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data do not preclude national legislation such as that at issue in the main proceedings, provided that it is shown that the wide disclosure not merely of the amounts of the annual income above a certain threshold of persons employed by the bodies subject to control by the Rechnungshof but also of the names of the recipients of that income is necessary for and appropriate to the objective of proper management of public funds pursued by the legislature, that being for the national courts to ascertain.*

2. *Articles 6(1)(c) and 7(c) and (e) of Directive 95/46 are directly applicable, in that they may be relied on by an individual before the national courts to oust the application of rules of national law which are contrary to those provisions.*

(1) OJ C 79 of 10.03.2001 and OJ C 173 of 16.06.2001.

JUDGMENT OF THE COURT

of 20 May 2003

in Case C-469/00 (Reference for a preliminary ruling from the Cour de cassation): Ravil SARL v Bellon import SARL, Biraghi SpA (1)

(Protected designations of origin — Regulation (EEC) No 2081/92 — Regulation (EEC) No 1107/96 — 'Grana Padano' freshly grated — Specification — Convention between two Member States — Condition that the cheese is grated and packaged in the region of production — Articles 29 EC and 30 EC — Justification — Whether the condition may be relied on against third parties — Legal certainty— Publicity)

(2003/C 171/04)

(Language of the case: French)

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

In Case C-469/00: Reference to the Court under Article 234 EC by the Cour de cassation (France) for a preliminary ruling in the proceedings pending before that court between Ravil SARL og Bellon import SARL, Biraghi SpA, on the interpretation of Article 29 EC, the Court, composed of: G. C. Rodríguez Iglesias, President, J.-P. Puissochet, M. Wathelet, R. Schintgen and C. W. A. Timmermans (Presidents of Chambers), C. Gulmann (Rapporteur), D. A. O. Edward, P. Jann, V. Skouris, F. Macken, N. Colneric, S. von Bahr and J. N. Cunha Rodrigues, Judges; S. Alber, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, has given a judgment on 20 May 2003, in which it has ruled:

1. *As regards the period prior to the entry into force of Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92, Article 29 EC must be interpreted as not precluding a convention concluded between two Member States A and B, such as the Convention between the French Republic and the Italian Republic on the protection of designations of origin, indications of provenance and names of certain products, signed in Rome on 28 April 1964, from making applicable in Member State A national legislation of Member State B, such as that referred to by the national court, under which the designation of origin of a cheese, protected in Member State B, is reserved, for cheese marketed in grated form, to cheese grated and packaged in the region of production.*

2. *Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, as amended by the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, must be interpreted as not precluding the use of a protected designation of origin from being subject to the condition that operations such as the grating and packaging of the product take place in the region of production, where such a condition is laid down in the specification.*

3. *Where the use of the protected designation of origin 'Grana Padano' for cheese marketed in grated form is made subject to the condition that grating and packaging operations be carried out in the region of production, this constitutes a measure having equivalent effect to a quantitative restriction on exports within the meaning of Article 29 EC, but may be regarded as justified, and hence compatible with that provision.*

4. *However, the condition in question may not be relied on against economic operators, as it was not brought to their knowledge by adequate publicity in Community legislation. Nevertheless, the principle of legal certainty does not preclude that condition*