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(Information)

COURT OF JUSTICE

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ORDER OF THE COURT

(Second Chamber)

of 4 April 2003

in Case C-128/02 P: Bernhard Schulte ⁽¹⁾

(Actions for damages — Non-contractual liability — Milk — Additional levy — Reference quantities — Regulation (EEC) No 2187/93 — Compensation payable to producers — Heirs and those of similar status — Measure of the national authorities — Time bar — Appeal in part clearly inadmissible and in part clearly unfounded)

(2003/C 251/01)

(Language of the case: German)

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

In Case C-128/02 P: Bernhard Schulte, residing in Delbrück (Germany) (Lawyer: R. Freise) — Appeal against the judgment of the Court of First Instance of the European Communities (Fourth Chamber) of 7 February 2002 in Case T-261/94 Schulte v Council and Commission [2002] ECR II-441, seeking to have that judgment set aside, the other parties to the proceedings being: Council of the European Union (Agent: A.-M. Colaert, assisted by M. Núñez Müller) and Commission of the European Communities (Agent: M. Niejahr, assisted by M. Núñez Müller) — the Court (Second Chamber), composed of R. Schintgen, President of the Chamber, V. Skouris and N. Colneric (Rapporteur), Judges: A. Tizzano, Advocate General; R. Grass, Registrar, has made an order on 4 April 2003, the operative part of which is as follows:

1. *The appeal is dismissed;*

2. *Mr. Schulte is ordered to pay the costs.*

(¹) OJ C 144 of 15.6.2002.

ORDER OF THE COURT OF JUSTICE

(First Chamber)

of 10 July 2003

in Case C-427/02 P: Giuseppe Di Pietro v Court of Auditors of the European Communities ⁽¹⁾

(Appeal — Officials — Prior administrative procedure — No complaint — Application manifestly inadmissible — Appeal manifestly inadmissible in part and manifestly unfounded in part)

(2003/C 251/02)

(Language of the case: Italian)

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

In Case C-427/02 P: Giuseppe Di Pietro, residing in Messina (Italy) (Lawyer: G. Monforte) — appeal against the order of the Court of First Instance of the European Communities (Third Chamber) of 27 September 2002 in Case T-254/01 Di Pietro v Court of Auditors [2002] ECR-SC I-A-177 and II-929, by which the Court declared manifestly inadmissible the application by Mr Di Pietro for the annulment of the decision of the Court of Auditors of 22 February 2001 appointing Mr Michel Hervé to the post of Secretary General of that institution, the other party to the proceedings being Court of Auditors of the

European Communities (Agents: J.-M. Stenier, M. Bavendamm and I. Ní Riagáin Düro) — the Court (First Chamber), composed of M. Wathelet, President of the Chamber, P. Jann and A. Rosas (Rapporteur), Judges; F. G. Jacobs, Advocate General; R. Grass, Registrar, has made an order on 10 July 2003, the operative part of which is as follows:

1. *The appeal is dismissed;*
2. *Mr. Di Pietro is ordered to pay the costs.*

(¹) OJ C 19 of 25.1.2003.

Reference for a preliminary ruling by the Landesgericht für ZRS (Zivilrechtssachen) Wien by order of that Court of 30 September 2002 in the case of DLD Trading Company Import-Export spol. s.r.o. against Republic of Austria

(Case C-216/03)

(2003/C 251/03)

Reference has been made to the Court of Justice of the European Communities by order of the Landesgericht für ZRS (Zivilrechtssachen) Wien (Regional Civil Court, Vienna) of 30 September 2002, received at the Court Registry on 19 May 2003, for a preliminary ruling in the case of DLD Trading Company Import-Export spol. s.r.o. against Republic of Austria on the following questions:

1. Are Regulation (EC) No 3316/94 (¹) and Regulation (EC) No 2744/981 (²) compatible with the provisions of Community law relating to exemptions from customs duties, in particular Regulation (EEC) No 918/83 (³) and the principle of the Customs union?
2. If Question 1 is answered in the affirmative:

Did the retroactive entry into force of Regulation (EC) No 2744/98 infringe the principles of legal certainty or the protection of legitimate expectations?

3. Are Article 5(8) of Directive 69/169/EEC (⁴) and the national provisions transposing it, namely Paragraph 3a of the Verbrauchssteuer-befreiungsverordnung (Regulation on exemptions from excise duties) and the Umsatzsteuer-Verordnung, (Turnover Tax Regulations) (BGBl II No 326/1997), incompatible with the purposes of harmonising turnover tax and excise duty within the Member States, liberalising and facilitating travel to and from non-

member countries and aligning exemptions from tax and from customs duty in the context of travel?

(¹) OJ L 350, p. 12.

(²) OJ L 345, p. 9.

(³) OJ L 105, p. 1.

(⁴) OJ L 133, p. 6.

Reference for a preliminary ruling by the College van Beroep voor het bedrijfsleven by judgment of that Court of 26 June 2003 in the proceedings between 1. Cindu Chemicals B.V., 2. Rütgers VFT AG, 3. Touwen & Co B.V., 4. Pearl Paint Holland B.V., 5. Elf Atochem Nederland B.V., 6. Zijlstra & Co. Verf B.V. and 7. B.V. Chemische Producten Struyk & Co. and College voor de toelating van bestrijdingsmiddelen

(Case C-281/03)

(2003/C 251/04)

Reference has been made to the Court of Justice of the European Communities by judgment of the College van Beroep voor het bedrijfsleven (Administrative Court for Trade and Industry) of 26 June 2003, received at the Court Registry on 30 June 2003, for a preliminary ruling in the proceedings between 1. Cindu Chemicals B.V., 2. Rütgers VFT AG, 3. Touwen & Co B.V., 4. Pearl Paint Holland B.V., 5. Elf Atochem Nederland B.V., 6. Zijlstra & Co. Verf B.V. and 7. B.V. Chemische Producten Struyk & Co. and College voor de toelating van bestrijdingsmiddelen on the following question:

Does the Substances Directive permit a Member State to lay down additional conditions for the placing on the market and use of a biocidal product the active substance of which is included in Annex I to the Substances Directive?

Reference for a preliminary ruling by the College van Beroep voor het bedrijfsleven by judgment of that Court of 26 June 2003 in the proceedings between Arch Timber Protection BV and College voor de toelating van bestrijdingsmiddelen; party to these proceedings: Stichting Behoud Leefmilieu en Natuur Maas en Waal

(Case C-281/03)

(2003/C 251/05)

Reference has been made to the Court of Justice of the European Communities by judgment of the College van