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(Information)

COURT OF JUSTICE

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JUDGMENT OF THE COURT

(Grand Chamber)

of 8 November 2005

in Case C-293/02: Reference for a preliminary ruling from the Royal Court of Jersey Jersey Produce Marketing Organisation Ltd v States of Jersey and Others ⁽¹⁾

(Legislation on the export of potatoes from Jersey to the United Kingdom — 1972 Act of Accession — Protocol No 3 on the Channel Islands and the Isle of Man — Regulation No 706/73 — Articles 23 EC, 25 EC and 29 EC — Charges having an effect equivalent to customs duties — Measures having an effect equivalent to quantitative restrictions)

(2006/C 10/01)

(Language of the case: English)

In Case C-293/02: Reference for a preliminary ruling under Article 234 EC from the Royal Court of Jersey (Channel Islands), made by decision of 5 August 2002, received at the Court on 13 August 2002, in the proceedings between Jersey Produce Marketing Organisation Ltd and States of Jersey, Jersey Potato Export Marketing Board, and Top Produce Ltd, Fairview Farm Ltd, interveners — the Court (Grand Chamber), composed of V. Skouris, President, C.W.A. Timmermans, A. Rosas, J. Malenovský, Presidents of Chambers, J.-P. Puissochet, R. Schintgen, N. Colneric (Rapporteur), S. von Bahr, G. Arestis, A. Borg Barthet, M. Ilešič, J. Klučka and U. Löhmus, Judges; P. Léger, Advocate General; M.-F. Contet, Principal Administrator, for the Registrar, gave a judgment on 8 November 2005, the operative part of which is as follows:

1. The combined provisions of Article 29 EC and Article 1 of Protocol No 3 on the Channel Islands and the Isle of Man annexed to the Act concerning the Conditions of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland and the Adjustments to the Treaties

are to be interpreted as precluding legislation such as that at issue in the main proceedings which:

— on the one hand, prohibits, with penalties imposed for non-compliance, Jersey producers from offering for export or exporting their potatoes to the United Kingdom market unless they are registered with a body such as the Jersey Potato Export Marketing Board and have entered into a marketing agreement with it for the purpose of determining, in particular, the areas which may be planted with crops for export as well as the identity of those authorised to acquire those crops, and,

— on the other hand, prohibits, also with penalties imposed for non-compliance, all marketing organisations from effecting such exports unless they are party to a management agreement with that same body for the purpose of determining, in particular, the identity of the sellers from whom it is permissible for them to obtain their supplies.

2. The combined provisions of Articles 23 EC and 25 EC and Article 1 of Protocol No 3 are to be interpreted as precluding legislation such as that at issue in the main proceedings which confers on a body such as the Jersey Potato Export Marketing Board the power to impose on Jersey potato producers a contribution, the amount of which is fixed by reference to the quantities of potatoes produced by the parties concerned and exported to the United Kingdom.

3. Community law precludes a contribution levied under the same conditions, the amount of which, however, is fixed by such a body by reference to the agricultural area used by the parties concerned for growing potatoes, to the extent to which the income therefrom serves to finance activities undertaken by that body contrary to Article 29 EC.

⁽¹⁾ OJ C 247, 12.10.2002.