

Parties to the main proceedings

Applicant: Uradex SCRL

Defendant: Union Professionnelle de la Radio et de la Télédiffusion (RTD), Société Intercommunale pour la Diffusion de la Télévision (BRUTELE)

Re:

Reference for a preliminary ruling — Belgian Court of Cassation — Interpretation of Article 9(2) of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ L 248, 1993, p. 15) — Extent of the powers of a collecting society deemed to be mandated to manage the rights of a copyright owner or holder of related rights who has not transferred the management of his rights to a collecting society — Exercise of the right to grant or refuse authorisation to a cable operator for cable retransmission

Operative part of the judgement

Article 9(2) of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission is to be interpreted as meaning that, where a collecting society is deemed to be mandated to manage the rights of a copyright owner or holder of related rights who has not transferred the management of his rights to a collecting society, that society has the power to exercise that rightholder's right to grant or refuse authorisation to a cable operator for cable retransmission and, consequently, its mandate is not limited to management of the pecuniary aspects of those rights.

⁽¹⁾ OJ C 143, 11.6.2005.

Judgement of the Court (Sixth Chamber) of 8 June 2006 (reference for a preliminary ruling from the Finanzgericht München (Germany)) — Sachsenmilch AG v Oberfinanzdirektion Nürnberg

(Case C-196/05) ⁽¹⁾

(Common Customs Tariff — Tariff classification — Combined Nomenclature — Subheading 0406 10 (fresh cheese) — Annex I to Regulation (EEC) No 2658/87 as amended by Regulation (EC) No 1832/2002 — Tariff classification of pizza mozzarella in block form that has been stored after its manufacture for one to two weeks at a low temperature)

(2006/C 178/14)

Language of the case: German

Referring court

Finanzgericht München

Parties to the main proceedings

Applicant: Sachsenmilch AG

Defendant: Oberfinanzdirektion Nürnberg

Re:

Reference for a preliminary ruling — Finanzgericht München — Interpretation of Commission Regulation (EC) No 1789/2003 of 11 September 2003 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and the Common Customs Tariff (OJ 1987 L 256, p.1) — Subheading 0406 10 CN (fresh cheese) — Mozzarella for pizza that has been stored after production for one to two weeks at low temperature

Operative part of the judgement

The Court:

Subheading 0406 10 of the Combined Nomenclature 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 1832/2002 of 1 August 2002, must be interpreted as meaning that it applies to pizza mozzarella in block form that was stored after its manufacture for one to two weeks at 2 to 4 °C unless that storage is sufficient for such mozzarella to undergo a process at the end of which it has acquired one or more new objective characteristics or properties, in particular with regard to its composition, appearance or taste. It is for the national court to determine whether those conditions are satisfied.

⁽¹⁾ OJ C 182, 23.7.2005.