

**Reference for a preliminary ruling by the Bundesfinanzhof of by order of that court of 30 November 2000 in the case of Finanzamt Sulingen against Walter Sudholz**

(Case C-17/01)

(2001/C 79/31)

Reference has been made to the Court of Justice of the European Communities by order of the Bundesfinanzhof (Federal Finance Court) of 30 November 2000, received at the Court Registry on 15 January 2001, for a preliminary ruling in the case of Finanzamt Sulingen against Walter Sudholz on the following questions:

1. Is Article 2 of the Council Decision 2000/186/EC<sup>(1)</sup> of 28 February 2000 authorising the Federal Republic of Germany to apply measures derogating from Articles 6 and 17 of the Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment invalid because the procedure prior to the adoption of the decision did not meet the criteria laid down in Article 27 of Directive 77/388/EEC?
2. Is the first paragraph of Article 3 of Decision 2000/186/EC, under which the decision is to have retroactive effect from 1 April 1999, valid?
3. Does Article 2 of Decision 2000/186/EC meet the substantive requirements to be applied to such an authorisation, and do any objections to the validity of that provision arise as a consequence?

<sup>(1)</sup> OJ L 59 of 4.3.2000, p. 12.

**Reference for a preliminary ruling by the Tribunale di Pisa — Sezione Lavoro — by order of that court of 19 December 2000 in the case of INPS v Alberto Barsotti and Others**

(Case C-19/01)

(2001/C 79/32)

Reference has been made to the Court of Justice of the European Communities by an order of the Labour Division of the Tribunale di Pisa (District Court, Pisa) of 19 December 2000, which was received at the Court Registry on 15 January 2001, for a preliminary ruling in the case of INPS v Alberto Barsotti and Others, on the following question:

‘Whether Directive 80/987/EEC<sup>(1)</sup> and the judgments relating to it (judgments in Joined Cases C-6/90 and C-9/90 of 13 November 1991 and Case C-373/95 of 10 July 1997) may be interpreted as meaning that, subject to the ceiling imposed, it is lawful to prohibit aggregation of the compensation awarded by the Guarantee Fund and part of the wages paid by the employer in the last three months only as regards the amount exceeding that represented by the level of the *indennità di mobilità* (job-seeker’s allowance) provided for, *ratione temporis*, in respect of the same period, in view of the fact that the said advances appear, like the job seeker’s allowance and up to the same amount, to be intended to cover the primary needs of the dismissed worker.’

<sup>(1)</sup> OJ 1980 L 283, p. 23 (Council directive of 20 October 1980).

**Action brought on 18 January 2001 by Kingdom of Spain against Commission of the European Communities**

(Case C-22/01)

(2001/C 79/33)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 18 January 2001 by the Kingdom of Spain, represented by Rosario Silva de Lapuerta, acting as Agent, with an address for service in Luxembourg.

The applicant claims that the Court should:

- annul the point relating to anchovies referred to in note (2) to the item relating to stocks of ‘Anchovy; Zone: IX, X, CECAF 34.1.1’ contained in Annex Id to Council Regulation (EC) No 2848/2000<sup>(1)</sup> of 15 December 2000 fixing for 2001 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where limitations in catch are required; and
- order the defendant institution to pay the costs.

*Pleas in law and main arguments*

The pleas in law and main arguments are similar to those put forward in Case C-81/00<sup>(2)</sup> except in so far as concerns the TAC for anchovy fixed by the Council in Zone VIII which for 2001 is of 33 000 metric tonnes.

<sup>(1)</sup> OJ 2000 L 334, p. 1.

<sup>(2)</sup> OJ 2000 C 176, p. 4.