

# Official Journal

## of the European Communities

ISSN 0378-6986

C 304

Volume 22

4 december 1979

English edition

## Information and Notices

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## I

*(Information)*

## COURT OF JUSTICE

**Action brought on 4 October 1979 by A. M. & S. Europe limited against the Commission of the European Communities**

**(Case 155/79)**

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 4 October 1979 by A. M. & S. Europe Limited, having an office at Bristol, represented by Mr Jeremy Lever, Queen's Counsel of Gray's Inn, Mr Christopher Bellamy, Barrister of Gray's Inn and Mr Graham Child, Solicitor of Slaughter & May, London, with an address for service in Luxembourg at the Chambers of Messrs Elvinger & Hoss, 15, rue de la Côte d'Eich.

The applicant claims the Court should:

1. Declare Article 1 (b) of the Decision of 6 July 1979 void.
2. Alternatively to declare Article 1 (b) of the Decision of 6 July 1979 void in so far as it necessarily requires the disclosures to the Commission's inspector of the whole of each of the documents for which the applicants claims protection on grounds of legal confidence.
3. In either event to order the Commission to pay the applicants' costs herein.
4. Order such other relief as may be lawful or equitable in all the circumstances.

The matter of procedure in dispute between the parties is to what extent, if at all, the Commission – in the course of an investigation under Article 14 of Council Regulation No 17 – is entitled to look at a document in order to determine whether a claim to privilege for certain documents passing between lawyer and client is a valid claim.

*Contentions and main arguments*

- violation of the protection of legal confidence,
- violation of the principle of proportionality.

The applicants submit:

- that under the allegedly in all Common Law jurisdictions recognized principle of protection of legal confidence the Commission is not entitled to see the contents of the material for which protection is claimed and then to use the knowledge gained thereby;

- that the Commission's demand for the production in their entirety of the documents for which the applicants have claimed protection, places an unfair burden on the applicant and is out of proportion to what is sufficient to satisfy the Commission's needs for the purpose of its investigations.
- 

**Action brought on 5 October 1979 by Pierre Gratreau against the Commission of the European Communities**

(Case 156/79)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 5 October 1979 by Pierre Gratreau, represented by Ernest Arendt, Advocate of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of the said Ernest Arendt, Centre Louvigny, 34B rue Philippe II.

The applicant claims that the Court should:

declare the present application admissible;

as to substance, rule that it is well founded;

in consequence, annul:

1. The list of officials in category A remunerated out of research appropriations judged to be the most deserving of promotion to grade A 4 for the financial year 1978, published in 'Informations Administratives', No 214 of 20 November 1978;
2. The list of officials promoted to grade A 4 for the financial year 1978, published in 'Informations Administratives', No 220 of 20 December 1978, page 12,

drawn up by the appointing authority;

order the defendant to bear all costs and expenses of the present proceedings.

*Submissions and principal arguments:*

Infringement of Article 45 of the Staff Regulations and breach of essential procedural requirements

The failure to adhere to procedures has had the consequence that the appointing authority has been unable, in the applicant's case, to undertake the comparative examination of merits required by Article 45 of the Staff Regulations.

The failure to transmit to the selection board for a competition documents likely to play an essential role in relation to the drawing up of the list of suitable candidates and final appointment constitutes a breach of essential procedural requirements.

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**Reference for a preliminary ruling made by order of the Pontypridd Magistrates' Court dated 5 September 1979 in the case of Regina against Stanislaus Pieck.**

(Case 157/79)

The Court of Justice of the European Communities has received a reference for a preliminary ruling by order of the Pontypridd Magistrates' Court, dated 5 September 1979, in the

proceedings against Stanislaus Pieck, which was lodged with the Court Registry on 10 October 1979 on the following questions:

1. What is the meaning of 'entry visa or equivalent document' in Article 3 (2) of Council Directive 68/360/EEC of 15 October 1968?
2. Upon entry into a Member State by an EEC national, is the granting by that Member State of an initial leave to remain for a period limited to six months consistent with the rights secured to such a national by Articles 7 and 48 of the Treaty establishing the EEC and the provisions of Council Directives 64/221/EEC of 25 February 1964 and 68/360/EEC of 15 October 1968?
3. (Only applicable if the answer to question 2 is affirmative.) Where such a national is given a six months limited leave to remain in a Member State, and being employed as a worker but having failed to apply for a resident's permit he overstays that leave, can such a breach of law be punished in that Member State by measures which include imprisonment and/or a recommendation for deportation?

#### **Actions brought on 11 October 1979 against the Commission of the European Communities**

(Cases 158/79 to 529/79 and 734/79)

Actions with the same subject-matter were brought against the Commission of the European Communities before the Court of Justice of the European Communities on 11 October 1979 by the officials listed below, assisted and represented by Cesare Ribolzi, Advocate at the Milan Bar, with an address for service in Luxembourg at the Chambers of Victor Biel, Advocate, 18A Rue des Glacis.

158/79	Monique Roumengous	186/79	Enrico Brambilla
159/79	Gilberte Philippe	187/79	Gerhard Redlinger
160/79	Matilde Di Nasso Caielli	188/79	Henri Laurent
161/79	Gaetano Riccobono	189/79	Pierre Jehenson
162/79	Roberto Baranzini	190/79	Carmen Kind
163/79	Albert Schneiders	191/79	Calogero Taibi
164/79	Elio Righino	192/79	Luciano Lanzetta
165/79	Luigi Orecchia	193/79	Hannes Larsson
166/79	Anna Federico	194/79	Umberto Buzzi
167/79	Raffaele Ferretti	195/79	Serge Wilhelm
168/79	Moreno Di Nasso	196/79	Antonio Pirovano
169/79	Giancarla Baldassari del Vitto	197/79	Renato Gritti
170/79	Askolf Bähr	198/79	Gianfranco Guaitani
171/79	Angela Artoni	199/79	Walter Hage
172/79	Maria-Rosa Gatelli	200/79	Maurice Henuset
173/79	Paul De Windt	201/79	Wilhelmus Holst
174/79	Augusto Brazzelli	202/79	Caterina Bof
175/79	Godelieve Antonini	203/79	Bernard Henry
176/79	Madeleine Burg	204/79	Edo Bregani
177/79	Bruno Stuari	205/79	Nerino Gemo
178/79	Albert Bassetti	206/79	Beatrice Bonaiti
179/79	Luciano Brovelli	207/79	Guillermo Farregut
180/79	Lino Bessega	208/79	Piercarlo Tognoli
181/79	Fiorenzo Bina	209/79	Gianfranco Sottocorno
182/79	Rita Paiola	210/79	Modesto Saggiorato
183/79	Michele Canters	211/79	Roland Gillot
184/79	Caspere Nocera	212/79	Giovanni Grillo
185/79	Didier Lalonde	213/79	Pasquale Somaini

214/79	Roger Salvini	276/79	Pasquale Parisi
215/79	Jean-Marie Lardot	277/79	Carmelo Arcidiacono
216/79	Bruno Remorini	278/79	Gabriello Bizozzo
217/79	Italo Calamida	279/79	Fernando Tomio
218/79	Joseph Nicolai	280/79	Lido Rossetti
219/79	Renato Pagani	281/79	Cesare Galdoardi
220/79	Bruno Paracchini	282/79	Silvano Tarabella
221/79	Vincenzo Cicoria	283/79	Ruggero Valle
222/79	Claude Brun	284/79	Wolfgang Schule
223/79	Paola Del Torchio	285/79	Armando Broggi
224/79	Cosma Damiano Grieco	286/79	Herbert Meister
225/79	Giancarlo Pierini	287/79	Piero Nicolaccini
226/79	Fiorella Pini	288/79	Damiano Inzaghi
227/79	Giovanni Pozzi	289/79	Marisa Rossi
228/79	Luigi Tissino	290/79	Martino Boschini
229/79	Raymond Van Steenwinkel	291/79	Donatella Penning
230/79	Matteo Puccia	292/79	Gemma Costeniero
231/79	Sergio Primavera	293/79	Marcel Delaval
232/79	Fernand Van Rutten	294/79	Philippe Bory
233/79	Anna Costantini	295/79	Carlo Monfrini
234/79	Nino Mazzocchi	296/79	Carla Bigliocca
235/79	Giampiero Lazzari	297/79	Filippo Quazzo
236/79	Angelo Crippa	298/79	Adriano Pegoraro
237/79	Alessandro Zani	299/79	André Philippe
238/79	Werner Bergmann	300/79	Gianfranco Petermann
239/79	Angelo Manzotti	301/79	Ezio Parnisari
240/79	Antonio Markovina	302/79	Fernand Munsch
241/79	Carmelo Sassi	303/79	Cesare Cerutti
242/79	Martin Oberhofer	304/79	Marco Cerri
243/79	Luigi Ferrario	305/79	Xavier Dalschaert
244/79	Cesare Ciniselli	306/79	Panfilo D'Alimonte
245/79	Anna Maria Danielato	307/79	Giovanni Battista Barbi
246/79	Mario Ferrari	308/79	Armando Prosdocimi
247/79	Anna Maria Del Grande	309/79	Giovanni Brugnoli
248/79	Giuseppe Mancini	310/79	Serge Crutzen
249/79	Luciano Mammarella	311/79	Giorgio Caravati
250/79	Rita Fornara	312/79	Aldo Bellorini
251/79	Jean-Claude Godaert	313/79	Jean Plason
252/79	Ermelino Monzani	314/79	Mariangela Bonanate
253/79	Gildo Stivala	315/79	Paola Volpi
254/79	Adriana Ciceri	316/79	Graziella Leroy-Cadario
255/79	Gesuino Carta	317/79	Roland Leroy
256/79	Giuseppe Bignoli	318/79	Fernanda Coen
257/79	Piero Brovelli	319/79	Giuseppe Barassi
258/79	Salvatore Caruso	320/79	Mario Ardizzono
259/79	Leonardo Martinoia	321/79	Santina Leo-Menardi
260/79	Eliane Novali	322/79	Rémy Pilliard
261/79	Giuseppe Brovelli	323/79	Paul Wiederstein
262/79	Samuele Zanella	324/79	Christian Deshayes
263/79	Ambrogio Ravelli	325/79	Ulisse Devisioni
264/79	Angelo Di Chiano	326/79	Claude Benigaud
265/79	Georg Mutzbauer	327/79	Piero Bastianini
266/79	Rosanne Parravicini	328/79	Gianfranco De Beni
267/79	Virgilio Mariotto	329/79	Giordano Locati
268/79	Gina Tenti-Castagnetti	330/79	Pier Luigi Lolli Ceroni
269/79	Arnaldo Renoldi	331/79	Vittorio Coen
270/79	Giuseppe Riva	332/79	Salvatore Ragusa
271/79	Gianfranco Fancocci	333/79	Romeo Crespi
272/79	Pierino De Paoli	334/79	Maria Mascetti
273/79	Elio Schembri	335/79	Luigi Magistri
274/79	Alfieri Miotto	336/79	Daniel Beaujoin
275/79	Alfonso Merlini	337/79	Annamaria Bernacchi

338/79	Antonio Angelini	400/79	Agnes Mornand
339/79	Jean-Jacques Legros	401/79	Romano Morini
340/79	Antonietta Bisconti	402/79	Aldo Massimo Simonetta
341/79	Germano Saredi	403/79	Antonio Signorelli
342/79	Aldo Roncari	404/79	Amabile Savoia
343/79	Ombretta Mammarella	405/79	Mauro Giovanelli
344/79	Irma Carmina	406/79	Michel Jamet
345/79	Maria La Zia	407/79	Giuseppe Barbera
346/79	Pietro Papetti	408/79	Jean-Jacques Puhl
347/79	Pierre Montellanico	409/79	Jacques De Greef
348/79	Teresita Grossi	410/79	Bernard Nicollin
349/79	Dino Bazzoni	411/79	Savina Rostirolla
350/79	Francesco Merli	412/79	Giulio Daverio
351/79	Claudino Miglierina	413/79	Carlo Foggi
352/79	Luigi Caldon	414/79	Felice Frattini
353/79	Marilena Bonazzi	415/79	Eleno Bernacchi
354/79	Giovanni Buscaglia	416/79	Giorgio Poletti
355/79	Jacques Mignot	417/79	Antonio Federico
356/79	Jean Sanial	418/79	Jennifer De Luca-Rundle
357/79	Renato Miglierina	419/79	Piero Pinciara
358/79	Angelo Inzaghi	420/79	Luisa Ossola
359/79	René Rochez	421/79	Romano Naglia
360/79	Giuseppe Gilberti	422/79	Armanda Miglerina
361/79	Pietro Ponti	423/79	Serena Ossola
362/79	Franco Girelli	424/79	André Berg
363/79	Armand Schaack	425/79	Ugo Brunello
364/79	Franco Strappato	426/79	Henri Burg
365/79	Laura Occhetta	427/79	Edmond Jaworski
366/79	Maria Luisa Croci	428/79	Loredana Magazzini
367/79	Aldo Ostidich	429/79	Angelo Molinari
368/79	Vincenzo Calo	430/79	Giuseppe Zanarella
369/79	Guy Mottard	431/79	Maria Grazia Pigozzi
370/79	Gian Paolo Ossola	432/79	Alberto Grossi
371/79	Vinzenzo Camera	433/79	Alberto Careta
372/79	Francis Mousty	434/79	Antonio Nocera
373/79	Jean-Antoine Tourneix	435/79	Enrico Peroni
374/79	Anna Schiepatti-Tessera	436/79	Mario Brasola
375/79	Jean Valy	437/79	Luigi Rota
376/79	Robert Metivier	438/79	Joseph Giannoni
377/79	Janine Metivier	439/79	Francana Eysselinck
378/79	Fulvio Laghi	440/79	Luigi Ambrogio Roncari
379/79	Aldo Milan	441/79	Ulrich Zimmermann
380/79	Ida Alfieri	442/79	Michele Biggio
381/79	Guido Alberigo	443/79	Ottavio Biasibetti
382/79	Cosimo D'Elia	444/79	Jack Biteau
383/79	Primo Agostini	445/79	Giuseppe Bertozzi
384/79	Gianfelice Cordani	446/79	Antonio Besozzi
385/79	Massimo Giubileo	447/79	Liliana Bellotti
386/79	Giuseppina Garsia	448/79	Guy Vandenabeele
387/79	Janine Brissaud	449/79	Myriam Talpaert
388/79	Gianpiero Cogliati	450/79	Adriano Bernardi
389/79	Pietro Colombo	451/79	Bruno Faedo
390/79	Paul Chambefort	452/79	Michèle Actis Dato
391/79	Ivo Bredael	453/79	Paul Actis Dato
392/79	Bernard Delfau	454/79	Michel-Pierre Anfray
393/79	Umberto Canali	455/79	Mario Brovelli
394/79	Nicole Huin	456/79	Luigia Cerutti
395/79	Margaret Merlini	457/79	Bruno Versino
396/79	Alain Sola	458/79	Guido Verzeletti
397/79	Mario Morbello	459/79	Eleonore Del Toso
398/79	Giorgio Rossi	460/79	Galvin Thomas
399/79	Adolfo Misirocchi	461/79	Giuseppe Fiombo

462/79	Giampiero Del Fante	497/79	Nicola Di Rita
463/79	Hermann Fangmeyer	498/79	Giampiero Battagin
464/79	Antonio Ferraro	499/79	Peter Dominke
465/79	Giuseppina Fiombo-Brebbia	500/79	Manfred Rieger
466/79	Heinrich Beulke	501/79	Sergio Gallo
467/79	Giordano Bernasconi	502/79	Francesco Bertato
468/79	Giuseppe Aina	503/79	Walter Bertato
469/79	Rodolfo Veneroni	504/79	Franco Bertona
470/79	Loredana Del Guidice	505/79	Anthony Hunt Brian
471/79	Gian Aldo Franzetti	506/79	Peter Reiniger
472/79	Walter Favret	507/79	Lino Giudicci
473/79	Wanda Ferrario	508/79	Michel Warney
474/79	Maria Rosa Fontana	509/79	L. Costantini-Barresi
475/79	Sergio Capobianchi	510/79	Sergio Balestreri
476/79	Fedele Ereno	511/79	Aldo Bernasconi
477/79	Marie-Elisabeth Agazzi-Leonard	512/79	Rosangela Piscia
478/79	Romolo Beditti	513/79	Alfonso Del Plano
479/79	Georges Lelaid	514/79	Anna Maria Gallo-Binda
480/79	Gianfranco Soldani	515/79	Adriana Cambon
481/79	Pierluigi Lensi	516/79	Bertolo Cleto
482/79	Gianfranco Quirici	517/79	Piero Berrini
483/79	Michel Queriaux	518/79	Rosalba Ferrari-Franchi
484/79	Ettore Gatelli	519/79	Giovanna Broggin
485/79	Bruno Spelta	520/79	Josef Hofmann
486/79	Giulio Tamantini	521/79	Carlo Ghiringhelli
487/79	Anton Peil	522/79	Justus Haupt
488/79	Marie-Madeleine Rizzi Dal Molin	523/79	Yves Haurie
489/79	Michele D'Elia	524/79	Jean Godfrin
490/79	Giovanna Amalfitano	525/79	Adriano Ferla
491/79	Lé Flecher	526/79	Antonino Gigante
492/79	Katharina Caruso	527/79	Odino Carraro
493/79	Maria Grazia Ciaretta	528/79	Renzo Gamberoni
494/79	Kuno Ditterich	529/79	Robert Adam
495/79	Anna Savioli	734/79	Anne Gueben
496/79	Agnese Tomasina		

The applicants claim that the Court should:

A – Principally

1. Annul the implied decision rejecting the complaints submitted by the present applicants or, failing that, the alleged express decisions of the Commission dated 12 July 1979 rejecting individual complaints;
2. Declare that the measures whereby the Commission paid to the applicants the arrears of remuneration, payable by virtue of the increase in the weighting for Italy, laid down by Council Regulation (EEC) No 3087/78, with effect only from 1 January 1978 are unlawful;
3. Ruling that the said Regulation is inapplicable to the present situation inasmuch as it lays down 1 January 1978 as the date from which the increased weighting is to have retroactive effect;
4. Inasmuch as the said measures are invalid on the grounds of infringement of the legal measures adopted in implementation of the Treaty, misrepresentation of the facts, misuse of powers and failure to comply with essential procedural requirements as described in the present application;
5. Declare (in the exercise of the unlimited jurisdiction which the Court has in this instance) that there should be paid to the applicants the amount resulting from the increase of the

weighting by 6.4% in respect of emoluments for 1976 and 1977 with the appropriate subsequent increase to take account of the higher levels of prices in Varese in comparison with Rome (to be determined in such a manner as the Court sees fit) together with interest;

6. Order the defendant to pay the costs.

B — As preliminary measures:

1. Permit, pursuant to Article 29, (2) (c), the use of languages other than the language of the case for part of the proceedings as regards documents which have been or may subsequently be submitted;
2. Order that the actions brought by officials of the Joint Research Centre at Ispra which have the same subject-matter be joined as from the present stage of the proceedings;
3. Reserve the applicants' right to produce further documents and raise fresh issues in the course of the proceedings.

**Actions brought on 11 October 1979 (Cases 530/79 to 729/79) and 19 October 1979 (Case 781/79) against the Commission and Council of the European Communities**

(Cases 530/79 to 729/79 and 781/79)

Actions having the same subject-matter were brought against the Commission and the Council of the European Communities before the Court of Justice of the European Communities on 11 October and 19 October 1979 respectively by the officials listed below, represented by Bernd Potthast and Hans-Josef Rüber, Advocates at the Oberlandesgericht Köln, Federal Republic of Germany, assisted by Professor Ernst Steindorff, 29 III Ludwigsstraße, 8000 Munich 22 (University), with an address for service in Luxembourg at the Chambers of V. Biel, Advocate, 18A Rue des Glacis.

530/79	Adrian Al	555/79	Klaus Busse
531/79	Helga Alex	556/79	Franc Cheneaux
532/79	Jan Amexz	557/79	Karl Cremer
533/79	Helmut Backs	558/79	Eugen de Clerco
534/79	Rolf Bauch	559/79	Pierrette Cosse Dessy
535/79	Ernst Bauer	560/79	Gerh. de Vries
536/79	Lothar Becker	561/79	Lois Dierckx
537/79	Winfried Becker	562/79	Heinz Dworschak
538/79	Johan Bekkering	563/79	Walter Eifler
539/79	Robert van den Bergh	564/79	Eberhard Eiselt
540/79	Guenther Bergmann	565/79	Pete Fiebelmann
541/79	Emile Bettendorffer	566/79	Helmut Fink
542/79	Robert van der Bilt	567/79	Jakob Flamm
543/79	Anton Birke	568/79	Liliane Frappiccini
544/79	Gisela Blech	569/79	Reinhard Freidhof
545/79	Jo Blanckenburg	570/79	Rudolf Friesen
546/79	Edward Blogg	571/79	Gerhard Friz
547/79	Dirk Boerman	572/79	Ottmar Gautsch
548/79	Albert Boervoets	573/79	Franz Geiger
549/79	Winfried Boettcher	574/79	Friedrich Geiss
550/79	Angelika Borelli	575/79	Philipp Gieb
551/79	Guenther Braun	576/79	Mathilde Gierden
552/79	Helmut Braun	577/79	Wolfram Gissler
553/79	Werner Brewka	578/79	Prosper Glaesener
554/79	Rudolf Brunnhuber	579/79	Harry Gow



580/79	Guenther Grass	642/79	Fons Marell
581/79	Peter Gritzmann	643/79	Mario Mariotto
582/79	Marinus de Groot	644/79	Hannelore Markus
583/79	Karl-H. Guenther	645/79	Stanley Mathyi
584/79	Emiel Haine	646/79	Wilhelm Matthes
585/79	Jean-Pier Halleux	647/79	Ursula Mayer
586/79	Wilhelm Hammans	648/79	Ronald Meelhuysen
587/79	Marlies Hanke	649/79	Kent Mehr
588/79	Wilhelm Hanke	650/79	Michael Mertens
589/79	Peter Hansen	651/79	Joachim Metzdorf
590/79	Heinz Hark	652/79	Erna Moebius
591/79	Hans Hasenjaeger	653/79	Peter Moerk-Moerkenstein
592/79	Noel van Hattem	654/79	Machiel Mol
593/79	Nicolaas Hazes	655/79	Sebo Molema
594/79	Helmut Henrichs	656/79	Herbert Muntau
595/79	Hans Herkenrath	657/79	Rolf Nehren
596/79	Hans Herold	658/79	Gerhard Neisse
597/79	Heinz Hettinger	659/79	Jürgen Nickel
598/79	Armin Hoffmann	660/79	Henricus Nijman
599/79	Christiane Hoffmann	661/79	Reinier Nijsing
600/79	Hans Hoffmann	662/79	Leendert Nobel
601/79	Albert Hofmann	663/79	Ole Nøråger
602/79	Johan Hofman	664/79	Eggert Ohlmer
603/79	Helmut Holtbecker	665/79	Marinus Ooms
604/79	Wijbe Horstmann	666/79	Eleonore Orthmann
605/79	Werner Hufschmidt	667/79	Anton van der Pas
606/79	Jan Hylkema	668/79	Giovanni Pellegrini
607/79	Werner Jedamzik	669/79	Friedrich Peter
608/79	Ernst Jortzig	670/79	Friedrich Peters
609/79	Julius Jung	671/79	Wolfgang Pfeiffer
610/79	Udo Jung	672/79	Lothar Piplies
611/79	Norbert Kalthoff	673/79	Helga Piwecki
612/79	Herbert Kind	674/79	Eva Presser
613/79	Anneliese Kirch	675/79	Albert Prins
614/79	Richard Kleih	676/79	Wolfram Puetz
615/79	Klaus Klein	677/79	Jack Randles
616/79	Walter Kley	678/79	Hege Rau
617/79	Reinhard Kloetzer	679/79	Klaus-Peter Rau
618/79	Helmut Knoepfel	680/79	Norbert Ravarani
619/79	Lothar Kobus	681/79	Andreas Rennert
620/79	Manfred Kohl	682/79	Willi Riebold
621/79	Walter Kolar	683/79	Herbert Rief
622/79	Horst Kolbe	684/79	Gerhard Riesch
623/79	Walter Konrad	685/79	Dirk Robbelen
624/79	Gerti Korndoerffer	686/79	Anton Roessner
625/79	Heinz Kottowski	687/79	Luciana Rossini
626/79	Helga Kottowski	688/79	Herbert Schauenburg
627/79	Ernst Kotzur	689/79	Eugen Schmidt
628/79	Karlheinz Krebs	690/79	Johan Schneider
629/79	Gottfried Krueger	691/79	Karl Schrader
630/79	Gert Kuhlboersch	692/79	Rainer Schubert
631/79	Karin Kuhn	693/79	Albert Schuerenkaemper
632/79	Siefried Kumpf	694/79	Günther Schuetz
633/79	Horst Kutschera	695/79	Wolfgang Schulze
634/79	Leendert Lamain	696/79	Willi Schupp
635/79	Eric van Lamsweerde	697/79	Dankwart Schwalm
636/79	Heinrich Langenkamp	698/79	Uwe Schwarz
637/79	Heinz Lauer	699/79	Ulrich Spieker
638/79	Wilfried Leyendecker	700/79	Hilmar Spiesecke
639/79	Bernardus Looman	701/79	Heinz Stangl
640/79	Leo van Loon	702/79	Wolfgang Stephan
641/79	Leonore Maineri	703/79	Boris Sturm

704/79	Helmut Theisen	718/79	Heinz Weber
705/79	Hans Thoma	719/79	Bernd Weckermann
706/79	Helga Thoma	720/79	Franz Weckermann
707/79	Jan Toornvliet	721/79	Peter Weissgerber
708/79	Nicolaas Toussaint	722/79	Eberhard Wendler
709/79	Gisela Turkowsky	723/79	Gunter Weste
710/79	Heinz Turkowsky	724/79	Wilhelm Woerner
711/79	Daniel van Velzen	725/79	Hermann de Wolde
712/79	Renzo Vivian	726/79	Horst Wolter
713/79	Alberto Volcan	727/79	Roland Zausch
714/79	Maria Volcan	728/79	Roland Zeyen
715/79	Heinrich Vossen	729/79	Hans van Zonneveld
716/79	Roland Wampach	781/79	Hans Pfitzner
717/79	Roderic Warnsing		

The applicants claim that the Court should:

I. As regards the first defendant:

1. Declare unlawful and annul the first defendant's notice of remuneration for April 1979 and its decisions of 12 July 1979 and 28 September on the complaints in so far as it there calculates salaries on the basis of Council Regulations (Euratom, ECSC, EEC) No 3085/78, (Euratom, ECSC, EEC) No 3086/78 and (Euratom, ECSC, EEC) No 3087/78;
2. Rule that the applicants are entitled to remuneration which takes account of the purchasing power of the Italian lira abroad and in the Province of Varese since January 1976;
3. In the alternative to 2: Rule that the applicants are entitled to remuneration which also takes account of the purchasing power of the Italian lira in the Province of Varese since January 1976;
4. In the alternative to 2 and 3: Rule that the applicants are entitled to remuneration which takes account of the purchasing power of the Italian lira, calculated on the basis of conditions in Rome, since January 1976;
5. Rule that since April 1979 the applicants have been entitled to remuneration corresponding at least to the amounts paid to the applicants in Italian lire up to and including March 1979 after making the same transfers under Article 17 of Annex VII to the Staff Regulations as up to March 1979 but increased by the percentage of the salary adjustment made pursuant to Article 65 (1) of the Staff Regulations as from April 1979;
6. In the alternative to 5: Rule that since April 1979 the applicants have been entitled to remuneration calculated on the basis of the legal provisions in force and applicable until March 1979, thus not applying Council Regulations (Euratom, ECSC, EEC) No 3085/78, (Euratom, ECSC, EEC) No 3086/78 and (Euratom, ECSC, EEC) No 3087/78, and therefore of the same amount as the sum payable in Italian lire after making the same transfers under Article 17 of Annex VII to Staff Regulations as up to March 1979;
7. In the alternative to 6: Rule that the applicants are entitled to remuneration which, after transfers of the same amounts under Article 17 of Annex VII to the Staff Regulations, leaves a disposable amount in lire which corresponds to the amount in lire which the applicants received until March 1979 in which respect adjustment to the new legal situation arising out of Council Regulations (Euratom, ECSC, EEC) No 3085/78 and (Euratom, ECSC, EEC) No 3086/78 is to be made during a transitional period from actual increases in salary in the future but not from adjustments pursuant to Article 64 and Article 65 (1) of the Staff Regulations;
8. As a final alternative to 6 and 7: Rule that the applicants are entitled to remuneration fixed pursuant to Article 4 of Council Regulation (Euratom, ECSC, EEC) No 3085/78;

9. Rule that the first defendant must correct the applicants' accounts in accordance with the obligations under 2 to 8 and pay the ensuing increased amount;
  - II. As regards both defendants: Order the defendants to pay the amount of the difference in Italian lire resulting from the calculation in I, 9;
  - III. 1. Order the defendants to compensate the applicants for their pecuniary loss, the amount of which is to be fixed by the Court at the amount of interest at 6 % payable on the amount of the arrears from the date they fell due until the date they are paid;
  2. Order the defendants to pay the cost of the proceedings.
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**Action brought on 12 October 1978 by Philip Morris Holland B.V. against the Commission of the European Communities**

(Case 730/79)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 12 October 1979 by Philip Morris Holland B.V., whose registered office is at Eindhoven, assisted and represented by B.H. ter Kuile and F. O. W. Vogelaar, Advocates, with an address for service in Luxembourg at the Chambers of J. Loesch, Agent, 2 Rue Goethe.

The applicant claims that the Court should:

- Annul or declare void, in whole or in part, Commission Decision 79/743/EEC of 27 July 1979 on proposed Netherlands Government assistance to increase the production capacity of a cigarette manufacturer (OJ No L 217, 25. 8. 1979, p. 17);
- Take such further steps or measures as the Court sees fit;
- Order the Commission to bear the costs.

*Submissions and main arguments*

The contested decision is in conflict with:

- (a) the EEC Treaty, specifically Article 92 (1) and (3);
- (b) one or more general principles of Community law, in particular the principles of due care, protection of legitimate expectations, and proportionality, or at least one or more published principles of the Commission's competition policy;
- (c) the EEC Treaty, specifically Article 190, because the reasons given by the Commission for the contested decision are in this regard insufficient or at least incomprehensible and/or contradictory.

The applicant claims that the factors of the relevant market, competition and trade between the Member States – and detrimental effects thereon – were incorrectly or insufficiently defined in the Commission's decision.

The consideration in the Commission's decision relating to the derogation provided for in Article 92 (3) of the EEC Treaty is, in the applicant's view, in conflict with the principle of legal certainty, legitimate expectation and the relevant published policy of the Commission on which *inter alia* the applicant was entitled to rely.

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**Action brought on 12 October 1979 by Dr B. against the European Parliament**

(Case 731/79)

An action against the European Parliament was brought before the Court of Justice of the European Communities on 12 October 1979 by Dr B., Kehlen, Luxembourg, assisted and represented by W. H. Vermeer, Advocate at the Amsterdam Bar, Agent.

The applicant claims that the Court should:

1. Declare that the application is admissible;
  2. (a) Rule that the setting up or the working of an invalidity committee within the meaning of Article 59 (1) of the Staff Regulations is unlawful or at least is unjustified in the present circumstances and should therefore be terminated;  
In the alternative direct the European Parliament or its responsible bodies or officials to terminate or suspend the setting up or working of such a committee until a final decision has been taken in the examination of the applicant's occupational disease;
  - (b) Order the European Parliament or its responsible bodies or officials to put an end to all measures which may hinder, delay and/or thwart the work of the medical committee to ascertain whether the applicant suffers from an occupational disease;
  - (c) Rule that the medical committee's work be actively continued and completed as laid down in the Rules referred to in Paragraph 2 (a) of the application, in particular as laid down in Article 21 of those Rules;
  3. Order the European Parliament to bear the costs.
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**Action brought on 15 October 1979 by A. H. Reinartz against the Commission of the European Communities**

(Case 732/79)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 15 October 1979 by A. H. Reinartz, Dworp, Belgium, assisted and represented by A. J. Hammerstein, Advocate, with an address for service in Luxembourg at the offices of F. Jansen, Huissier de Justice, 21 Rue Aldringen.

The applicant claims that the Court should:

1. Declare that with regard to the allowances paid to the applicant in Canada during the period from 1 May 1974 to 1 September 1977 pursuant to Regulation (Euratom, ECSC,

EEC) No 2530/72 the last subparagraph of Article 3 (3) of that Regulation and the third paragraph of Article 63 of Staff Regulations are not to be applied to the applicant;

2. Order the Commission on grounds of fairness to compensate the applicant for the financial loss suffered by him during the period referred to in paragraph 1 by virtue of the application of the provision referred to in paragraph 1 or at least order the Commission to pay the applicant such financial compensation as the Court sees fit;
3. Order the Commission to bear the costs.

The action is directed against the application of Regulation (Euratom, ECSC, EEC) No 2530/72 pursuant to which the applicant's service was terminated with effect from 1 May 1973 and, after he had settled in Canada, a monthly allowance was paid to him on the basis of the rate of exchange referred to in the Regulation.

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Reference for a preliminary ruling by the Fifth Chamber of the Tribunal du Travail, Charleroi, by judgment of that court of 11 October 1979 in the case of: Caisse de Compensation des Allocations Familiales des Régions de Charleroi et Namur v. Cosimo La Terza

(Case 733/79)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Fifth Chamber of the Tribunal du Travail [Labour Tribunal], Charleroi, of 11 October 1979, which was received at the Court Registry on 15 October 1979, for a preliminary ruling in the case of Caisse de Compensation des Allocations Familiales des Régions de Charleroi et Namur [Family Allowance Compensation Fund for the Charleroi and Namur Regions] v. Cosimo La Terza on the following questions:

The interpretation to be given to Article 77 (2) (b) (i) of Council Regulation (EEC) No 1408/71:

Must this provision be interpreted as meaning that entitlement to family benefits, for which the Member State in whose territory the recipient of an invalidity pension resides (in this case Italy) is responsible, takes away the right to receive higher family benefits which had been awarded previously, for which another Member State is responsible (in this case Belgium)?

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Reference for a preliminary ruling by the Landgericht Düsseldorf, 4th Civil Chamber, by order of that court of 20 September 1979 in the case of Firma Saatzucht Steinach v. Firma CVS, Gesellschaft für Erwerb und Verwertung landwirtschaftlicher Pflanzensorten mbH

(Case 735/79)

Reference has been made to the Court of Justice of the European Communities by an order of the Landgericht [Regional Court] Düsseldorf, 4th Civil Chamber, of 20 September 1979, which was received at the Court Registry on 17 October 1979, for a preliminary ruling in the case of Firma Saatzucht Steinach, successor to Dr M. von Schmieder, sole proprietor: Hans Bernd Mayer, merchant, 8441 Steinach bei Straubing v. Firma GVS, Gesellschaft für Erwerb und Verwertung landwirtschaftlicher Pflanzensorten mbH, represented by its manager, 4 Herwarthstraße, 5000 Cologne 1, on the following question:

Do the provisions of the EEC Treaty concerning the free movement of goods (Articles 30 *et seq.* of the EEC Treaty) prevent the holder of plant protection rights for registered plant varieties from prohibiting the sale or distribution by third parties of seeds which are protected by such rights, if:

- the holder of such registration rights already holds parallel rights in several Member States of the European Economic Community,

- the seeds protected by such rights are already marketed in one of those Member States by the holder of such rights or with permission of the holder of such rights,
- the seeds are subsequently imported by third parties into another of those Member States, placed on the market there and resold, and
- the legislation concerning plant protection rights for registered plant varieties in the latter Member State gives the holder of such rights the right to take legal action to prevent the seeds protected by such rights from being placed on the market by other parties, even if the seeds have previously been placed on the market in another Member State, where such rights exist, by the holder of such rights or with his permission.

#### Actions brought on 17 October 1979 against the Commission of the European Communities

(Cases 736/79 to 780/79)

Actions with the same subject-matter were brought against the Commission of the European Communities before the Court of Justice of the European Communities on 17 October 1979 by the officials listed below, assisted and represented by Marcel Slusny, Advocate at the Brussels Bar, with an address for service in Luxembourg at the Chambers of V. Biel, Advocate, 18A Rue des Glacis.

736/79	Eric Aranovitch	759/79	Luigi Rignolini
737/79	Dino Battaglia	760/79	Gisella Ricciardi
738/79	Fiorella Castelli	761/79	Michel Le Det
739/79	Marc Cuypers	762/79	Anna Maria Bernacchi
740/79	Gianfranco Francocci	763/79	Gabriella Ferrari
741/79	Robert De Buck	764/79	Roland Burel
742/79	Hubert Haenen	765/79	Cesarina Lucia
743/79	Alfredo Lucia	766/79	Françoise Giuge
744/79	Tullio Luisi	767/79	Guy Fontaine
745/79	Innocenza Gaddi	768/79	Enrico Celant
746/79	H. Hannaert	769/79	Maria Grazia Celant
747/79	Max Hardy	770/79	Enrico Cazzaniga
748/79	Claude Minella	771/79	Umberto Cucchiara
749/79	Carlo Ronsecco	772/79	Jacqueline Termes
750/79	Giorgio Marchi	773/79	Jean Larisse
751/79	Raymond Klersy	774/79	Ingrid Renftle
752/79	Sergio Del Plato	775/79	Nello Faresse
753/79	Bruna Del Vitto	776/79	Marisa Ragno
754/79	Giuseppe Rascito	777/79	Claude Roumengous
755/79	Jack Biteau	778/79	Annie Lavezzi
756/79	Luigi Oreste Roncari	779/79	Tino Visani
757/79	Graziella Scapolo Bonizzoni	780/79	del Giudice Loredana
758/79	Paolo Rocco		

The applicants claim that the Court should:

After joining, if appropriate, the actions brought by other applicants concerning the consequences of the application of Regulation (Euratom ECSC, EEC) No 3087/78 of the Council of Ministers.

1. Declare null and void the decision of the defendant to settle the arrears owing to the applicants by limiting them to 1 January 1978 and without taking account of the cost of living peculiar to the province of Varese;

2. Rule that Regulation (Euratom, ECSC, EEC) No 3087/78 of the Council of Ministers, in particular Article 1 (1) thereof, is not applicable inasmuch as it limits the retroactivity to 1 January 1978; this head of claim being based on Article 184 of the EEC Treaty, Article 156 of the Euratom Treaty and the third paragraph of Article 36 of the ECSC Treaty;
3. In the exercise of its unlimited jurisdiction rule that a supplement is payable to the applicants' salaries for the period from 1 January 1976 to 1 January 1978, taking account of the cost of living peculiar to the province of Varese; the Commission should calculate and pay that amount and if the parties fail to agree the matter should be referred to the Court;
4. Order that the amounts payable shall bear interest at the legal and/or usual rate in Italy;

5. *In the alternative:*

Rule that the defendant is guilty of the wrongs set out under Sections III and IV of the application;

Consequently order it to pay by way of damages the amounts referred to in paragraph 3, with interest as set out in paragraph 4;

6. *Further in the alternative:*

Rule that the condition set out in Article 65 (2) of the Staff Regulations has been satisfied since 1 January 1976 and that the Council of Ministers should therefore take adequate measures to ensure that officials and other servants are paid their salaries in accordance with the principles laid down in Articles 64 and 65 of the Staff Regulations, without any discrimination between them whatever their place of employment;

7. Order the defendant to pay the costs.
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