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I

(Information)

COMMISSION

Ecu (*)

9 April 1992

(92/C 90/01)

Currency amount for one unit:

Belgian and Luxembourg franc	42,0153	United States dollar	1,24813
Danish krone	7,92439	Canadian dollar	1,48653
German mark	2,04194	Japanese yen	165,190
Greek drachma	239,117	Swiss franc	1,87407
Spanish peseta	129,471	Norwegian krone	8,02362
French franc	6,91590	Swedish krona	7,40891
Irish pound	0,766854	Finnish markka	5,57915
Italian lira	1540,58	Austrian schilling	14,3697
Dutch guilder	2,29931	Icelandic krona	73,5649
Portuguese escudo	175,612	Australian dollar	1,63904
Pound sterling	0,715877	New Zealand dollar	2,29436

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

(¹) Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

COMMISSION COMMUNICATION IN THE FRAMEWORK OF THE IMPLEMENTATION OF COUNCIL DIRECTIVE No 89/336/EEC OF 3 MAY 1989, IN RELATION TO ELECTROMAGNETIC COMPATIBILITY ⁽¹⁾

(92/C 90/02)

Publication of titles and references of harmonized standards under the Directive

OEN ⁽¹⁾	Reference	Title of the Harmonized Standard	Year of ratification
CLC	EN 50081-1	Electromagnetic compatibility generic emission standard — part 1: residential, commercial and light industry	1991
CLC	EN 50082-1	Electromagnetic compatibility generic immunity standard — part 1: residential, commercial and light industry	1991

⁽¹⁾ OEN: European standardization bodies:

CEN, rue de Stassart 36, B-1050 Brussels, tel. (322) 519 68 11, fax (322) 519 68 19;

CENELEC (CLC), rue de Stassart 35, B-1050 Brussels, tel. (322) 519 68 71, fax (322) 519 69 19;

ETSI, BP 152, F-06561 Valbonne Cedex, tel. (33) 92 94 42 12, fax (33) 93 65 47 16.

NOTES:

Any information concerning the availability of the standards can be obtained from the European standardization organizations.

The Commission ensures the updating of this list ⁽²⁾.

⁽¹⁾ OJ No L 139, 23. 5. 1989.

⁽²⁾ OJ No C 44, 19. 2. 1992, p. 12.

COURT OF JUSTICE

COURT OF JUSTICE

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-171/87: Canon Inc. v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/03)

(Language of the case: English)

In Case C-171/87: Canon Inc., Tokyo, Japan, represented by Ivo Van Bael, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Freddy Brausch, 8, rue Zithe, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment of Articles 1 and 2 of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽²⁾, in so far as they relate to the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*

2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-172/87: Mita Industrial Co. Ltd. v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/04)

(Language of the case: English)

In Case C-172/87: Mita Industrial Co. Ltd, Osaka, Japan, represented by Jean-François Bellis, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Freddy Brausch, 8 rue Zithe, supported by Gestetner Holdings plc, London, represented by Clare Tritton, Karel Paul Lasok and Fergus Randolph, Barristers-at-Law, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4, avenue Marie-Thérèse, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment of Articles 1 and 2 of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers in Japan ⁽²⁾, in so far as they relate to the applicant —

⁽¹⁾ OJ No C 225, 22. 8. 1987.

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

⁽¹⁾ OJ No C 225, 22. 8. 1987.

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom. Gestetner is ordered to bear its own costs.*

paper photocopiers originating in Japan ⁽²⁾ in its entirety or, alternatively, in so far as it applies to the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-174/87: Ricoh Company Ltd v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/05)

(Language of the case: English)

In Case C-174/87: Ricoh Company Ltd, Tokyo, Japan, represented by Wolfgang Knapp, Rechtsanwalt, Bonn, with an address for service in Luxembourg at the Chambers of Messrs Elvinger & Hoss, 15 Côte d'Eich, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain

⁽¹⁾ OJ No C 225, 22. 8. 1987.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-175/87: Matsushita Electric Industrial Co. Ltd and Matsushita Electric Trading Co. Ltd v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/06)

(Language of the case: English)

In Case C-175/87: Matsushita Electric Industrial Co. Ltd, Osaka, Japan, and Matsushita Electric Trading Co. Ltd, Osaka, Japan, represented by David Vaughan, QC, and Ian Stewart Forrester, Advocate of the Scots Bar, assisted by Jacques Buhart, Conseil Juridique, Coudert Frères, Paris, and Takaaki Nagashima of Masunaga, Nagashima & Hashimoto, Tokyo, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom),

⁽¹⁾ OJ No C 225, 22. 8. 1987.

Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4, Avenue Marie-Thérèse — application for the annulment of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽¹⁾, in so far as it affects the applicants — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicants are ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽¹⁾ OJ No L 54, 24. 2. 1987, p. 12.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

**in Case C-176/87: Konishiroku Photo Industry Co. Ltd
v. Council of the European Communities ⁽¹⁾**

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/07)

(Language of the case: English)

In Case C-176/87: Konishiroku Photo Industry Co. Ltd, Tokyo, Japan, represented by Ian Stewart Forrester, Advocate of the Scots Bar, with an address for service in Luxembourg at the Chambers of Jean-Claude Wolter, 8 rue Zithe, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric

⁽¹⁾ OJ No C 225, 22. 8. 1987.

White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽²⁾, at least in so far as it applies to the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

**in Case C-177/87: Sanyo Electric Co. Ltd v. Council of
the European Communities ⁽¹⁾**

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/08)

(Language of the case: English)

In Case C-177/87, Sanyo Electric Co. Ltd, Osaka, Japan, represented by Ian Stewart Forrester, Advocate of the Scots Bar, with an address for service in Luxembourg at the Chambers of Jean-Claude Wolter, 8 rue Zithe, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker

⁽¹⁾ OJ No C 225, 22. 8. 1987.

Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽¹⁾, at least in so far as it applies to the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽¹⁾ OJ No L 54, 24. 2. 1987, p. 12.

Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4, avenue Marie-Thérèse — application for the annulment of Council Regulation (EEC) No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽²⁾, in so far as it affects the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽²⁾ OJ No L 54, 24. 2. 1987, p. 12.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-178/87: Minolta Camera Co. Ltd v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/09)

(Language of the case: English)

In Case C-178/87: Minolta Camera Co. Ltd, Osaka, Japan, represented by Christopher McGonigal and Simon Holmes, Solicitors, of Messrs Clifford Chance, London, with an address for service in Luxembourg at the Chambers of Jean-Claude Wolter, 8 rue Zithe, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and

⁽¹⁾ OJ No C 225, 22. 8. 1987.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 March 1992

in Case C-179/87: Sharp Corporation v. Council of the European Communities ⁽¹⁾

(Anti-dumping duty on imports of plain paper photocopiers originating in Japan)

(92/C 90/10)

(Language of the case: English)

In Case C-179/87: Sharp Corporation, Osaka, Japan, represented by Jeremy Lever, QC, Christopher Vajda, Barrister-at-Law of Gray's Inn, and Robin Griffith, Solicitor, of Messrs Clifford Chance, with an address for service in Luxembourg at the Chambers of Jean-Claude Wolter, 8 rue Zithe, against the Council of the European Communities (Agents: Hans-Jürgen Lambers and Erik Stein, assisted by Hans-Jürgen Rabe and Michael Schütte), supported by the Commission of the European Communities (Agents: John Temple Lang and Eric White) and by the Committee of European Copier Manufacturers (Cecom), Cologne, represented by Dietrich Ehle and Volker Schiller, Rechtsanwälte, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Arendt and Harles, 4 avenue Marie-Thérèse — application for the annulment in whole or in part of Council Regulation (EEC)

⁽¹⁾ OJ No C 225, 22. 8. 1987.

No 535/87 of 23 February 1987 imposing a definitive anti-dumping duty on imports of plain paper photocopiers originating in Japan ⁽¹⁾, in so far as it affects the applicant — the Court (Fifth Chamber), composed of R. Joliet, President of the Chamber, Sir Gordon Slynn, F. Grévisse, J. C. Moitinho de Almeida and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs, including those incurred by the intervener Cecom.*

⁽¹⁾ OJ No L 54, 24. 2. 1987, p. 12.

JUDGMENT OF THE COURT

of 18 March 1992

in Case C-29/90: Commission of the European Communities v. Hellenic Republic ⁽¹⁾

(Failure of a State to fulfil obligations — Approximation of the laws of the Member States relating to cosmetic products)

(92/C 90/11)

(Language of the case: Greek)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-29/90: Commission of the European Communities (Agent: Maria Condou Durande) against Hellenic Republic (Agent: Evi Skandalou) — application for a declaration that, by requiring that cosmetic products may be marketed only if a declaration is made accompanied by information and supporting documents and if a file is kept containing information which is already printed on the packaging, the Hellenic Republic has failed to fulfil its obligations under Council Directive 76/768 of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetics products ⁽²⁾ — the Court, composed of O. Due, President, R. Joliet and F. A. Schockweiler (Presidents of Chambers), C. N.

⁽¹⁾ OJ No C 61, 10. 3. 1990.

⁽²⁾ OJ No L 262, 27. 9. 1976, p. 169.

Kakouris, G. C. Rodríguez Iglesias, M. Díez de Velasco and J. L. Murray, Judges; M. Darmon, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 18 March 1992, the operative part of which is as follows:

1. *By making the marketing of cosmetic products dependent on the lodging with the competent national authorities of a declaration containing information other than that which a Member State may require under Article 7 (3) of Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products and by requiring that any manufacturer or person responsible for the marketing of a cosmetic product should keep at the seat of his undertaking in Greece a file for each product manufactured or imported containing all the information relating to the composition, characteristics, description of the product, the particulars of the manufacture and checking of each consignment and the method adopted for such checking, the Hellenic Republic has failed to fulfil its obligations under Directive 76/768/EEC.*
2. *The Hellenic Republic is ordered to pay the costs.*

JUDGMENT OF THE COURT

of 18 March 1992

in Case C-24/91: Commission of the European Communities v. Kingdom of Spain ⁽¹⁾

(Directive 71/305/EEC — Award of public works contracts — Publication of notice of contract — Derogation for reasons of urgency)

(92/C 90/12)

(Language of the case: Spanish)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-24/91, Commission of the European Communities (Agent: R. Pellicer) v. Kingdom of Spain (Agents: initially C. Bastarache Sagües, then A. Navarro González and R. Silva de Lapuerta, Abogado del Estado) — application for a declaration that as a result of the decision of the governing council of the Universidad Complutense, Madrid, to award contracts for works connected with the extension and renovation of the Faculty of Political Science and Sociology and the School of Social Work by private contract, the Kingdom of Spain has failed to fulfil its obligations under Council Directive 71/305/EEC of 26 July 1971 concerning the

⁽¹⁾ OJ No C 56, 5. 3. 1991.

coordination of procedures for the award of public works contracts⁽²⁾ — the Court, composed of O. Due, President, F. Grévisse and P. J. G. Kapteyn, Presidents of Chambers, G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, M. Díez de Velasco, M. Zuleeg and J. L. Murray, Judges; C. O. Lenz, Advocate-General; J. A. Pompe, Deputy Registrar, for the Registrar, gave a judgment on 18 March 1992, the operative part of which is as follows:

1. *As a result of the decision of the governing council of the Universidad Complutense, Madrid, to award contracts for works connected with the extension and renovation of the Faculty of Political Science and Sociology and the School of Social Work by private contract, the Kingdom of Spain has failed to fulfil its obligations under Council Directive 71/305/EEC of 26 July 1971 concerning the coordination of procedures for the award of public works contracts, in particular Articles 9 and 12 to 15 thereof.*
2. *The Kingdom of Spain is ordered to pay the costs.*

(²) OJ No L 185, 16. 8. 1971, p. 5.

(EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as codified by Council Regulation (EEC) No 2001/83 of 2 June 1983⁽²⁾ — the Court (Second Chamber), composed of F. A. Schockweiler, President of the Chamber, G. F. Mancini and J. L. Murray, Judges; W. Van Gerven, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 19 March 1992, the operative part of which is as follows:

Article 78 of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as codified by Council Regulation (EEC) No 2001/83 of 2 June 1983, is to be interpreted as meaning that in order to calculate the supplementary benefit payable when the amount of benefit actually received in the Member State of residence is lower than the benefits to which the orphan would be entitled under the legislation of another Member State, it is necessary to take into account all the benefits payable to the orphan in the Member States concerned in so far as those benefits fall within the definition contained in Article 78 (1) of Regulation (EEC) No 1408/71.

(²) OJ No L 230, 22. 8. 1983, p. 6.

JUDGMENT OF THE COURT

(Second Chamber)

of 19 March 1992

in Case C-188/90 (reference for a preliminary ruling from the Bayerisches Landessozialgericht): Mario Doriguzzi-Zordanin and Marzio Doriguzzi-Zordanin v. Landesversicherungsanstalt Schwaben⁽¹⁾

(Social security for migrant workers — Benefits for dependent children of beneficiaries and for orphans)

(92/C 90/13)

(Language of the case: German)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case C-188/90: reference to the Court under Article 177 of the EEC Treaty by the Bayerisches Landessozialgericht [Higher Social Court of Bavaria] for a preliminary ruling in the proceedings pending before that court between Mario Doriguzzi-Zordanin, Marzio Doriguzzi-Zordanin and the Landesversicherungsanstalt Schwaben (Regional Insurance Office of Swabia) — on the interpretation of Article 78 of Council Regulation

Reference for a preliminary ruling by the Arrondissementsrechtbank, Amsterdam, by order of that court of 11 February 1992 in the case of Otto BV against Postbank NV

(Case C-60/92)

(92/C 90/14)

Reference has been made to the Court of Justice of the European Communities by order of the Arrondissementsrechtbank [District Court] Amsterdam of 11 February 1992, which was received at the Court Registry on 28 February 1992, for a preliminary ruling in the case of Otto BV, Tilburg, against Postbank NV, Amsterdam, on the following question:

'Is the national court, when assessing an application which seeks an order for a provisional examination of witnesses pending the initiation of civil proceedings pursuant to Article 5 of the EEC Treaty, bound to apply the principle that an undertaking is not obliged to answer certain questions if the answer thereto constitutes an admission that the rules of competition have been infringed?'

(¹) OJ No C 176, 17. 7. 1990.

Reference for a preliminary ruling by the Raad van State, The Hague, by judgment of that court of 17 February 1992 in the case of G. Acciardi v. Commissie Beroepszaken Administratieve Geschillen in de Provincie Noord-Holland

(Case C-66/92)

(92/C 90/15)

Reference has been made to the Court of Justice of the European Communities by judgment of the Raad van State [State Council], The Hague, of 17 February 1992, which was received at the Court Registry on 4 March 1992, for a preliminary ruling in the case of G. Acciardi, Amsterdam, v. Commissie Beroepszaken Administratieve Geschillen in de Provincie Noord-Holland on the following questions:

1. Must Article 4 (1) of Regulation (EEC) No 1408/71, which provides that that Regulation is to apply to branches of social security, be interpreted as meaning that a scheme such as that contained in the IOAW, which has characteristics both of social security and of social assistance, falls within the scope of that Regulation?
2. If so, must Article 68 (2) of Regulation (EEC) No 1408/71 be interpreted as preventing a Member State from maintaining a legislative provision under which the benefit of a Community national residing in the Netherlands who is to be regarded as being an unemployed worker for the purposes of the IOAW, and whose spouse lives in another Member State or resides there other than on a temporary basis, is determined without taking the spouse into account?
3. If Question 1 is answered in the negative, does the prohibition of discrimination on grounds of nationality laid down in Community law preclude the application of a legislative provision under which the benefit of a Community national residing in the Netherlands who is to be regarded as being an unemployed worker for the purposes of the IOAW, and whose spouse lives in another Member State or resides there other than on a temporary basis, is determined without taking the spouse into account?

Reference for a preliminary ruling by the Verwaltungsgericht Frankfurt am Main by judgment of that court of 11 December 1991 in the case of Herbert Scharbatke GmbH v. Federal Republic of Germany

(Case C-72/92)

(92/C 90/16)

Reference has been made to the Court of Justice of the European Communities by judgment of the Verwaltungsgericht [Administrative Court] Frankfurt am Main of 11 December 1991, which was received at the Court Registry on 9 March 1992, for a preliminary ruling in the case of Herbert Scharbatke GmbH v. Federal Republic of Germany on the following questions:

1. Does a national charge levied on pork imported from another Member State and marketed under a trade description that alludes to the slaughtered animals' country of origin qualify as a 'charge having equivalent effect' within the meaning of Articles 9 and 12 of the EEC Treaty if, although levied on domestic meat as well, the charge is assigned entirely to a fund whose sole statutory purpose is to promote the disposal and marketing of products deriving from national agriculture, forestry and food resources?
2. If not, does a charge as described in Question 1 qualify as 'indirectly [imposed] ... internal taxation' within the meaning of the first paragraph of Article 95 of the EEC Treaty, or as 'internal taxation of such a nature as to afford indirect protection to other products' under the second paragraph of that Article if, prior to importation, the animals were subject to a similar charge in their country of origin which is disregarded for the purpose of levying the charge in the country of importation?
3. Is a national court authorized to determine whether the levying of a national charge as described in Question 1 is consistent with Community law when the plaintiff shows conclusively in the national proceedings that he suffers discrimination owing to a national aid scheme inasmuch as he is obliged, by paying the charge, to contribute to financing the aid and yet, as an importer, does not belong to the class of persons entitled to receive it?
4. If Question 3 is answered in the affirmative, does the financing of the fund (described in Question 1 above) from charges levied on pork from other Member States represent an indirectly protectionist arrangement, comparable in its operation to a protectionist aid scheme for the purpose of Article 92 of the EEC Treaty? Is such an arrangement incompatible with the common market under Article 92? Is such an arrangement therefore prohibited under Article 92 in the same way as a comparable protectionist aid scheme?

Action brought on 10 March 1992 by the Commission of the European Communities against the Kingdom of Belgium

(Case C-74/92)

(92/C 90/17)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 10 March 1992 by the Commission of the European Communities, represented by Blanca Rodríguez Galindo, a member of its Legal Department, and Virginia Melgar, French civil servant on secondment to the Legal Department, acting as Agents, with an address for service in Luxembourg at the office of Roberto Hayder, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

- declare that by not taking the necessary measures to comply with the judgment of the Court of 11 May 1989 in Case 52/88 ⁽¹⁾ concerning ham and cooked shoulder, the Kingdom of Belgium has failed to fulfil its obligations under Article 171 of the EEC Treaty,
- order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments adduced in support:

Although the Royal Decree of 27 May 1989 which was published following the judgment of the Court authorizes the addition of gelatine to (industrial) meat preparations, it retains the prohibition on presenting ham and cooked shoulder as non-industrial preparations where those products contain gelatine.

⁽¹⁾ OJ No C 144, 10. 6. 1989, p. 8.

Reference for a preliminary ruling by the Finanzgericht München by order of that court of 12 February 1992 in the case of Hans Dinter GmbH v. Hauptzollamt Bad Reichenhall

(Case C-81/92)

(92/C 90/18)

Reference has been made to the Court of Justice of the European Communities by judgment of the Finanzgericht München [Finance Court, Munich] of 12 February 1992, which was received at the Court Registry on 13 March 1992, for a preliminary ruling in the case of Hans Dinter GmbH against the Hauptzollamt [Principal Customs Office] Bad Reichenhall on the following questions:

Is Commission Regulation (EEC) No 1626/85 of 14 June 1985 ⁽¹⁾ on protective measures applicable to imports of certain Morello cherries to be interpreted, having regard in particular to recitals (2) to (6) in the preamble to the Regulation, as meaning that a countervailing charge may not be applied in cases in which both the price which is the basis of the import transaction and the importer's resale price exceed the minimum price?

Is the reply to the above question the same if the purchase transaction which is the basis of the importation was concluded between the importer and a seller who is not resident in the country of origin?

⁽¹⁾ OJ No L 156, 15. 6. 1985, p. 13.

Removal from the Register of Case C-299/89 ⁽¹⁾

(92/C 90/19)

By order of 25 February 1992 the President of the Court of Justice of the European Communities ordered the removal from the Register of Case C-299/89: Commission of the European Communities v. Hellenic Republic.

⁽¹⁾ OJ No C 278, 1. 11. 1989.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST
INSTANCE

of 27 February 1992

in Case T-19/91: *Société d'Hygiène Dermatologique de Vichy v. Commission of the European Communities* ⁽¹⁾*(Article 85 of the EEC Treaty — Exclusive or selective distribution system — Anti-competitive purpose or effect — Regulation No 17/62 — Decision to apply Article 15 (6))*

(92/C 90/20)

*(Language of the case: French)**(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court of First Instance)*

In Case T-19/91, *Société d'Hygiène Dermatologique de Vichy*, whose registered office is at Vichy, France, represented by Robert Collin, Marie-Laure Coignard and Jeanne-Marie Henriot-Bellargent, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Messrs Decker and Braun, 16 avenue Marie-Thérèse, against Commission of the European Communities (Agent: initially Bernhard Jansen, then Bernd Langeheine, assisted by Hervé Lehman, of the Paris Bar) — application for a declaration that Decision 91/153/EEC of the Commission of the European Communities of 11 January 1991 (IV/31.624 — Vichy), concerning a proceeding under Article 15 (6) of Regulation No 17/62 of the Council of 6 February 1962 — the Court of First Instance (Second Chamber), composed of J. L. Cruz Vilaça, President, D. Barrington, A. Saggio, C. P. Briët and J. Biancarelli, Judges; H. Jung, Registrar, gave a judgment on 27 February 1992, the operative part of which is as follows:

1. *The application is dismissed.*
2. *The applicant is ordered to pay the costs.*

⁽¹⁾ OJ No C 116, 30. 4. 1991.

JUDGMENT OF THE COURT OF FIRST
INSTANCE

of 10 March 1992

in Case T-9/89: *Hüls Aktiengesellschaft v. Commission of the European Communities* ⁽¹⁾*(Competition — Concepts of agreement and concerted practice — Collective responsibility)*

(92/C 90/21)

(Language of the case: German)

In Case T-9/89, *Hüls Aktiengesellschaft*, having its recent office at Marl (Federal Republic of Germany), represented by H. J. Herrmann, Rechtsanwalt, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Loesch & Wolter, 8 rue Zithe, against the Commission of the European Communities (Agents: A. McClellan and B. Jansen) — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of J. L. Cruz Vilaça, President, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf, Advocate-General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The seventh indent of Article 1 of the Commission's Decision of 23 April 1986 (IV/31.149 — Polypropylene) ⁽²⁾, is annulled in so far as it states that Hüls participated in the infringement from some time between 1977 and 1979, and not from the end of 1978 or the beginning of 1979.*
2. *The amount of the fine imposed on the applicant in Article 3 of that Decision is set at ECU 2 337 500, that is to say DM 5 013 680,38.*
3. *For the rest, the application is dismissed.*
4. *The applicant is ordered to bear its own costs and half of the Commission's costs. The Commission is ordered to bear the other half of its own costs.*

⁽¹⁾ OJ No C 246, 2. 10. 1986.

⁽²⁾ OJ No L 230, 18. 8. 1986, p. 1.

**JUDGMENT OF THE COURT OF FIRST
INSTANCE**

of 10 March 1992

**in Case T-10/89: Hoechst Aktiengesellschaft v.
Commission of the European Communities ⁽¹⁾**

***(Competition — Concepts of agreement and concerted
practice — Collective responsibility)***

(92/C 90/22)

(Language of the case: German)

*(Provisional translation; the definitive translation will be
published in the Reports of Cases)*

In Case T-10/89, Hoechst Aktiengesellschaft, whose head office is in Frankfurt am Main (Germany), represented by H. Hellmann, Rechtsanwalt, Cologne, with an address for service in Luxembourg at the Chambers of Messrs Loesch and Wolter, 8 rue Zithe, against Commission of the European Communities (Agents: A. McClellan and B. Jansen) — application for the annulment of the Commission's decision of 23 April 1986 relating to a proceeding under Article 85 (1) of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of J. L. Cruz Vilaça, President, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf, Advocate-General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The action is dismissed.*
2. *The applicant is ordered to pay the costs.*

⁽¹⁾ OJ No C 246, 2. 10. 1986.

**JUDGMENT OF THE COURT OF FIRST
INSTANCE**

of 10 March 1992

**in Case T-11/89: Shell International Chemical Company
Ltd v. Commission of the European Communities ⁽¹⁾**

***(Competition — Concepts of agreement and concerted
practice — Collective responsibility)***

(92/C 90/23)

(Language of the case: English)

⁽¹⁾ OJ No C 242, 26. 9. 1986.

In Case T-11/89: Shell International Chemical Company Ltd. whose head office is in London, represented by J. F. Lever QC, K. B. Parker, Barrister and J. W. Osborne, Solicitor, with an address for service in Luxembourg at the Chambers of J. Hoss, 15, Côte d'Eich, against the Commission of the European Communities (Agents: A. McClellan and K. Banks) — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding under Article 85 (1) of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of J. L. Cruz Vilaça, President, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf, Advocate General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *Article 1 of the Commission Decision of 23 April 1986 (IV/31.149 — Polypropylene) ⁽²⁾ is annulled in so far as it holds that Shell*
 - *took part in the infringement after September 1983,*
 - *took part in the beginning of the January to May 1981 price initiative;*
2. *the amount of the fine imposed on the applicant in Article 3 of that Decision is set at ECU 8 100 000, that is to say £ 5 222 855,70;*
3. *for the rest, the application is dismissed;*
4. *the applicant is ordered to bear its own costs and pay two thirds of the Commission's costs, and the Commission is ordered to bear the remaining third of its own costs.*

⁽²⁾ OJ No L 230, 18. 8. 1986, p. 1.

**JUDGMENT OF THE COURT OF FIRST
INSTANCE**

of 10 March 1992

**in Case T-12/89: Solvay et Compagnie S.A. v.
Commission of the European Communities ⁽¹⁾**

***(Competition — Concepts of agreement and concerted
practice — Collective responsibility)***

(92/C 90/24)

(Language of the case: French)

In Case T-12/89: Solvay et Compagnie S.A., having its registered office in Brussels, represented by L. Simont, Advocate with a right of audience before the Cour de

⁽¹⁾ OJ No C 242, 26. 9. 1986.

Cassation of the Kingdom of Belgium, and by P.-A. Foriers and B. Dauwe, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Messrs Loesch & Wolter, 8, Rue Zithe — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding pursuant to Article 85 of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of J. L. Cruz Vilaça, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf, Advocate-General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the applicant is ordered to pay the costs.*

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 10 March 1992

in Case T-13/89: **Imperial Chemical Industries plc v. Commission of the European Communities** (1)

(Competition — Concepts of agreement and concerted practice — Collective responsibility)

(92/C 90/25)

(Language of the case: English)

In Case T-13/89: Imperial Chemical Industries plc, having its registered office in London, represented by D. Vaughan QC, V. O. White and R. J. Coles, Solicitors, and by D. Anderson, Barrister, with an address for service in Luxembourg at the Chambers of L. H. Dupong, 14a, rue des Bains, against the Commission of the European Communities (Agents: A. McClellan and K. Banks) — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding pursuant to Article 85 of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of J. L. Cruz Vilaça, President, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *The amount of the fine imposed on the applicant in Article 3 of the Commission's Decision of 23 April 1986 (IV/31.149 — Polypropylene) (2) is set at ECU 9 000 000 or £ 5 803 173;*
2. *The remainder of the application is dismissed;*
3. *The applicant is ordered to pay the costs, including the costs of the proceedings brought before the Court of Justice under Article 91 of the Rules of Procedure of the Court of Justice.*

(2) OJ No L 230, 18. 8. 1986, p. 1.

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 10 March 1992

in Case T-14/89: **Montedipe SpA v. Commission of the European Communities** (1)

(Competition — Concepts of agreement and concerted practice — Collective responsibility)

(92/C 90/26)

(Language of the case: Italian)

In Case T-14/89, Montedipe SpA, having its registered office in Milan (Italy), represented by G. Celona, Advocate with a right of audience before the Corte di Cassazione of the Italian Republic, by P. M. Ferrari, of the Rome Bar, and by G. Aghina and F. Capelli, of the Milan Bar, with an address for service in Luxembourg at the Chambers of G. Margue, 20, rue Philippe II, against the Commission of the European Communities (Agents: A. McClellan and G. Marengo) — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding pursuant to Article 85 of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of: J. L. Cruz Vilaça, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges, B. Vesterdorf, Advocate-General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the applicant is ordered to pay the costs, including the costs of the proceedings brought before the Court of Justice under Article 83 of the Rules of Procedure of the Court of Justice.*

(1) OJ No C 258, 15. 10. 1986.

(1) OJ No C 242, 26. 9. 1986.

**JUDGMENT OF THE COURT OF FIRST
INSTANCE**

of 10 March 1992

in Case T-15/89: **Chemie Linz AG v. Commission of the
European Communities** (*)

*(Competition — Concepts of agreement and concerted
practice — Collective responsibility)*

(92/C 90/27)

(Language of the case: German)

In Case T-15/89, Chemie Linz AG, having its registered office in Linz (Austria), represented by O. Lieberknecht, Rechtsanwalt, Düsseldorf, with an address for service in Luxembourg at the Chambers of A. Bonn, 20, Côte d'Eich, against the Commission of the European Communities (Agents: A. McClellan and B. Jansen) — application for the annulment of the Commission's Decision of 23 April 1986 relating to a proceeding under Article 85 of the EEC Treaty (IV/31.149 — Polypropylene) — the Court of First Instance (First Chamber), composed of: J. L. Cruz Vilaça, R. Schintgen, D. A. O. Edward, H. Kirschner and K. Lenaerts, Judges; B. Vesterdorf; Advocate-General; H. Jung, Registrar, gave a judgment on 10 March 1992, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the applicant is ordered to pay the costs.*

(*) OJ No C 259, 16. 10. 1986.

**Action brought on 9 March 1992 by Groupement
d'Achat Edouard Leclerc v. Commission of the European
Communities**

(Case T-19/92)

(92/C 90/28)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 9 March 1992 by Groupement d'Achat Edouard Leclerc, whose registered office is at Paris, represented by Mario Amadio and Gilbert Parleani, of the Paris Bar, with an address for service in Luxembourg at the Chambers of Philippe Hoss, 15 Côte d'Eich.

The applicant claims that the Court should:

- annul the decision of the Commission of 16 December 1991 in Commission case number IV/33.242 — Yves Saint Laurent Parfums;

— order the Commission to pay all the costs.

Pleas in law and main arguments adduced in support:

The applicant submits, first of all, that the grounds for the contested decision are flawed in several ways.

It considers that, since in that decision the Commission states for the first time on the basis of principles and in a quasi-legislative manner the general criteria of the lawfulness of distribution of luxury perfumes by network, and in particular the scope of the concepts of 'luxury product' and 'quality image', it should have adopted an especially full reasoning after a truly exhaustive inquiry into all the aspects of the case.

The decision in question, however, makes no reference in the grounds to the fundamental question, namely, the exclusion of every other form of trade except that of the specialised retailer, and in particular that of major distributors. The Commission declares by simple affirmation that the criteria on which that exclusion is based do not restrict competition within the meaning of Article 85 (1) of the EEC Treaty and gives no grounds for its decision, whether with respect to the requirement of qualitative rather than quantitative criteria, to that of a choice which applies without discrimination and uniformly to all potential traders, or to the principle of proportionality.

The applicant states that the fact that the decision is entirely vitiated by that failure to provide reasons may be verified from two points of view. In the first place, the Commission is obliged to resort to incorrect reasoning in order to explain the exclusion of 'major distributors': the Commission has purely and simply avoided discussion of whether 'major distributors' are suited to selective luxury distribution; it has then gone on to validate the outdated image of the consumer who is incapable of buying luxury goods anywhere other than at specialised town-centre retailers. Secondly, the Commission has made an irrelevant comparison: instead of drawing a parallel between selective luxury distribution by specialist retailers and selective luxury distribution by 'large stores', it compares the selective luxury distribution by specialist retailers with the consequences of non-selective, undifferentiated and 'generalised' distribution of the goods in question.

The applicant submits furthermore that there have been manifest errors of fact, stating that the grounds put forward by the Commission in support of approving an exclusive system of distribution dependent on specialised retailers reveals two essential errors of fact, one relating

to the presumed inability of major distributors to distribute Yves Saint Laurent perfume satisfactorily, the other to the presumed frustration which a consumer would still suffer when buying luxury perfume other than from a specialised retailer.

Finally, the applicant submits that the Commission has made manifest errors of law: on the one hand, it has considered, in breach of Community law and the requirements consistently laid down by the case-law, that the criteria for approval by the Yves Saint Laurent company do not come under Article 85 (1) of the Treaty and, on the other hand, it has wrongly considered that the approval in question satisfies the requirements of Article 85 (3).

Action brought on 11 March 1992 by Andrew Macrae Moat v. Commission of the European Communities

(Case T-20/92)

(92/C 90/29)

An action against the Commission of the European Communities was brought before the Court of First Instance of the European Communities on 11 March 1992 by Andrew Macrae Moat, represented by Eric J. H. Moons with an address for service in Luxembourg at the chambers of Lucy Dupong, 14a, rue des Bains,

The applicant claims that the Court should:

- declare the present application admissible and founded;
- condemn the Commission to promote the applicant to grade A3;

- condemn the Commission to transfer the applicant to duties that will enable him to serve the Commission to the Commission's and his own satisfaction for the remainder of his career;

- condemn the Commission either to pay the applicant a salary and pension as if he had been promoted on 1 December 1986 with interests from that date, or to pay him the net present value of the difference of such a salary and pension and his actual salary and pension, which sum should be calculated actuarially on his expectation of life and the effective date of the Commission's action pursuant to the Court's ruling on 2 above.

Contentions and main arguments:

The contentions and main arguments are similar to those raised in case T-72/91 ⁽¹⁾.

⁽¹⁾ OJ No C 289, 7. 11. 1991, p. 4.

Removal from the Register of Case T-20/90 ⁽¹⁾

(92/C 90/30)

By order of 4 February 1992 the President of the Third Chamber of the Court of First Instance of the European Communities ordered the removal from the Register of Case T-20/90 — Eberhard Eiselt v. Commission of the European Communities.

⁽¹⁾ OJ No C 129, 24. 5. 1990.

II

(Preparatory Acts)

COMMISSION

Proposal for a Council Regulation (EEC) amending Regulation (EEC) No 594/91 of 4 March 1991 in order to speed up the phasing-out of substances that deplete the ozone layer

(92/C 90/31)

*COM(92) 106 final**(Presented by the Commission on 20 March 1992)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas, according to the latest scientific knowledge, the ozone layer is not reforming over the Antarctic; whereas depletion of the ozone layer over the Northern hemisphere is more extensive than was previously generally accepted;

Whereas scientific studies forecast continued depletion of the ozone layer until the year 2005, unless the production and consumption of fully halogenated chlorofluorocarbons, halons, carbon tetrachloride and 1,1,1-trichloroethane is brought to an end in the very near future;

Whereas, except for certain essential uses, it is technically possible to phase out all consumption of chlorofluorocarbons, halons, 1,1,1-trichloroethane and, for most applications, carbon tetrachloride by the end of 1995;

Whereas Council Regulation (EEC) No 594/91 (*) provides for controls on substances that deplete the ozone layer;

Whereas, in the light in particular of recent scientific knowledge, it is appropriate, in general, to introduce stricter control measures than those provided for in Council Regulation (EEC) No 594/91,

HAS ADOPTED THIS REGULATION:

Article 1

Control of the production and consumption of chlorofluorocarbons 11, 12, 113, 114 and 115

The following changes are hereby made to Articles 10 (1) and 11 (1) and Annex II to Regulation (EEC) No 594/91:

in the second indent of the first subparagraph of Article 10 (1), 'and in the following 12-month period', is deleted;

the third indent of the first subparagraph of Article 10 (1) is deleted;

in the fourth indent of the first subparagraph of Article 10 (1), '1996' is replaced by '1994, and in the following 12-month period';

the fifth indent of the first subparagraph of Article 10 (1) is deleted;

in the sixth indent of the first subparagraph of Article 10 (1), '30 June 1997' is replaced by '31 December 1995';

in the second subparagraph of Article 10 (1), '30 June 1997' is replaced by '31 December 1995';

(*) OJ No L 67, 14. 3. 1991.

the second to sixth indents of the first subparagraph and the second subparagraph of Article 11 (1) are amended in the same way as the corresponding indents and subparagraphs of Article 10 (1);

in Annex II, the calculated level of the quantitative limits on imports of substances in Group I is fixed at 348 tonnes for each of the years 1994 and 1995; imports of these substances shall cease on 31 December 1995 at the latest.

Article 2

Control of the production and consumption of other fully halogenated chlorofluorocarbons

The following changes are hereby made to Articles 10 (2) and 11 (2) and Annex II to Regulation (EEC) No 594/91:

in the first indent of the first subparagraph of Article 10 (2), 'each 12-month period thereafter' is replaced by 'the following 12-month period';

the second indent of the first subparagraph of Article 10 (2) is deleted;

in the third indent of the first subparagraph of Article 10 (2) '1996' is replaced by '1994, and in the following 12-month period';

the fourth indent of the first subparagraph of Article 10 (2) is deleted;

in the fifth indent of the first subparagraph of Article 10 (2), '30 June 1997' is replaced by '31 December 1995';

in the second subparagraph of Article 10 (2), '30 June 1997' is replaced by '31 December 1995';

the first to fifth indents of the first subparagraph and the second subparagraph of Article 11 (2) are amended in the same way as the corresponding indents and subparagraphs of Article 10 (2);

in Annex II, the calculated level of the quantitative limits on imports of substances in Group II is fixed at 15 % of the calculated level of imports in 1989 for each of the years 1994 and 1995; imports of these substances shall cease on 31 December 1995 at the latest.

Article 3

Control of the production and consumption of halons

The following changes are hereby made to Articles 10 (3) and 11 (3) and Annex II to Regulation (EEC) No 594/91:

in the first indent of the first subparagraph of Article 10 (3), 'each 12-month period thereafter' is replaced by 'the following 12-month period';

in the second indent of the first subparagraph of Article 10 (3), '1995, and in each 12-month period thereafter' is replaced by '1994, and in the following 12-month period', and '50 %' is replaced by '15 %';

in the third indent of the first subparagraph of Article 10 (3), '1999' is replaced by '1995';

in the second subparagraph of Article 10 (3), '2000' is replaced by '1996';

the first to third indents of the first subparagraph and the second subparagraph of Article 11 (3) are amended in the same way as the corresponding indents and subparagraphs of Article 10 (3);

in Annex II, the calculated level of the quantitative limits on imports of substances in Group III is fixed at 350 tonnes for each of the years 1994 and 1995; imports of these substances shall cease on 31 December 1995.

Article 4

Control of the production and consumption of carbon tetrachloride

The following changes are hereby made to Articles 10 (4) and 11 (4) and Annex II to Regulation (EEC) No 594/91:

in the first indent of the first subparagraph of Article 10 (4), 'each 12-month period thereafter' is replaced by 'the following 12-month period';

in the second indent of the first subparagraph of Article 10 (4), '1995, and in each 12-month period thereafter' is replaced by '1994, and in the following 12-month period';

in the third indent of the first subparagraph of Article 10 (4), '1997' is replaced by '1995';

in the second subparagraph of Article 10 (4), '1998' is replaced by '1996';

the first to third indents of the first subparagraph and the second subparagraph of Article 11 (4) are amended in the same way as the corresponding indents and subparagraphs of Article 10 (4);

in Annex II, the calculated level of the quantitative limits on imports of the substance in Group IV is fixed at 15 % of the calculated level of imports in 1989 for each of the years 1994 and 1995; imports of these substances shall cease on 31 December 1995 at the latest.

Article 5

Control of the production and consumption of 1,1,1-trichloroethane

The following changes are hereby made to Articles 10 (5) and 11 (5) and Annex II to Regulation (EEC) No 594/91:

in the first indent of the first subparagraph of Article 10 (5), 'each 12-month period thereafter' is replaced by 'the following 12-month period';

in the second indent of the first subparagraph of Article 10 (5), '1995, and in each 12-month period thereafter' is replaced by '1994, and in the following 12-month period', and '70 %' is replaced by '15 %';

the third indent of the first subparagraph of Article 10 (5) is deleted;

in the fourth indent of the first subparagraph of Article 10 (5), '2004' is replaced by '1995';

a second subparagraph is inserted after the first subparagraph of Article 10 (5) as follows:

'The Commission, in accordance with the procedure set out in Article 12, shall determine any essential uses of 1,1,1-trichloroethane which may be permitted in the Community after 31 December 1995 and until 31 December 2004 at the latest and any quantities of 1,1,1-trichloroethane which may be produced by each producer for this purpose. Such production shall only be allowed if adequate alternatives or recycled 1,1,1-trichloroethane are not available.'

the first to fourth indents of the first subparagraph of Article 11 (5) are amended in the same way as the corresponding indents of Article 10 (5);

a second subparagraph is inserted after the first subparagraph of Article 11 (5) as follows:

'The Commission, in accordance with the procedure set out in Article 12, shall determine any quantities of 1,1,1-trichloroethane that could be placed on the market or used for its own account by each producer after 31 December 1995 and until 31 December 2004 at the latest for the purpose of essential uses';

in Annex II, the calculated level of the quantitative limits on imports of the substance in Group V is fixed at 15 % of the calculated level of imports in 1989 for each of the years 1994 and 1995; imports of these substances shall cease on 31 December 1995 at the latest.

Article 6

Entry into force

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

III

(Notices)

COMMISSION

Maintenance work — General invitation to tender

(92/C 90/32)

The Commission of the European Communities is conducting a market survey on its own behalf and that of the Office for Official Publications of the European Communities with a view to concluding four framework contracts for maintenance work in the buildings occupied by their departments in Luxembourg:

AO No 09/92/EC: Civil engineering works.

AO No 10/92/EC: Dismantling and erection of partitions and metal suspended ceilings, metal work.

AO No 11/92/EC: Painting and ancillary work.

AO No 12/92/EC: Maintenance work on wooden joinery.

The framework contracts will be awarded separately; Nos 9, 10, 11 and 12 concern the Commission of the European Communities; Nos 11 and 12 concern the Office for Official Publications of the European Communities.

Commencement of contracts: 1. 1. 1993.

Duration: one year, renewable by tacit agreement on an annual basis up to a maximum of five years, or at the latest until 31. 12. 1997.

Each contract may have a total value of between ECU 70 000 and 90 000 a year for the Commission of the European Communities and approximately ECU 50 000 for the Office for Official Publications of the European Communities. These amounts are given solely for guidance and in no way constitute any form of commitment on the part of the Commission of the European Communities and the Office for Official Publications of the European Communities.

On receiving replies to this invitation to tender, the Commission of the European Communities will issue calls for tenders. It invites firms which wish to receive an invitation to tender to notify the Commission thereof in writing by 11. 5. 1992 at the latest. The request to participate should be sent to:

— Commission of the European Communities, Administration Unit Luxembourg, Office B1/014, Jean Monnet Building, Plateau du Kirchberg, L-2920 Luxembourg, tel. 43 01-31 17, telex COMEUR LU 3423, facsimile (352) 43 01-48 68.

and should state the number of the invitation to tender being applied for and include the following obligatory information:

- name and address of the firm,
- copy of an official document certifying the firm's trade or craft activity (registration in the Trade Register or its equivalent) and a bank reference,
- a list of main references for the last three years,
- turnover in the last three years and the number of persons employed in the firm on 1. 1. 1992,
- the form of firm and its movable and immovable property, e.g. workshops and technical equipment, warehouses, means of transport, etc.

In due course selected firms will receive the draft contract which will serve as tender specifications and will be informed of the deadline for the submission of bids.

Please note that this notice does not imply any obligation on the part of the Commission of the European Communities and the Office for Official Publications of the European Communities to award the contracts.

Call for tenders for the management of a mobile modular exhibition stand

(92/C 90/33)

1. Awarding authority: Commission of the European Communities, Directorate-General for 'Telecommunications, Information Industries and Innovation', XIII E5, 200, rue de la Loi, B-1049 Brussels. Tel. (322) 236 90 19. Facsimile (322) 236 90 37.

2. Award procedure: Open invitation to tender.

3. Description of the services to be provided: The Directorate-General for 'Telecommunications, Information Industries and Innovation', DG XIII, participates in industrial and technological exhibitions (temporary or semi-permanent) in the Member States of the Community and a number of non-EC countries. At these exhibitions DG XIII has a mobile, modular stand occupying 30 to 500 m². In 1991, DG XIII had a stand at 25 exhibitions at locations such as Athens, Barcelona, Amsterdam, Paris, Milan, Birmingham and Vienna.

The stand is managed by a specialized agency. The agency must be able to stock and keep an inventory of all stand equipment, and manage the creative design of the stand layout, transport to the exhibition site, the construction and dismantling of the stand, all technical services and management of the stand during exhibitions, the organization of related events (receptions, press conferences, etc.), maintenance of the equipment and any repairs that need to be done, adaptation of stand elements and construction of new elements, creative graphic design, and special publications. Flexibility and being able to work with short deadlines are essential.

4. Contract duration: The duration of the contract will be two years.

5. Further details: Tendering documentation can be obtained from the following address:

— Commission of the European Communities, DG XIII E5, Ms. Marina Van Hoeck, BA 24-1/2, 200, rue de la Loi, B-1049 Brussels, tel. (322) 236 90 35, facsimile (322) 236 90 37.

6. a) Deadline for receipt of tenders: 15. 7. 1992, date of postmark or, in the case of tenders delivered by hand, date of receipt.

b) Address: As in 1, for the attention of Mr. P. Katz, Room BA 24-1/68, tel. (322) 236 90 19, facsimile (322) 236 90 37.

7. Minimum requirements: Tenders must have undertaken similar work and have proven Community-wide expertise in this field.

8. Period during which the tenderer is bound to keep open his tender: Six months.

9. Award criteria: Criteria for the evaluation of bids will be sent out in the invitation to tender documents.

10. Date of dispatch of the notice: 6. 4. 1992.

CORRIGENDA

Corrigendum to the list of natural mineral waters recognized by the United Kingdom

(Official Journal of the European Communities No C 75 of 26 March 1992)

(92/C 90/34)

On page 3:

<i>for:</i>	'Hazely Down		Hazely Down		Twyford, Winchester, Hampshire',
<i>read:</i>	'Hazeley Down		Hazeley Down		Twyford, Winchester, Hampshire'.

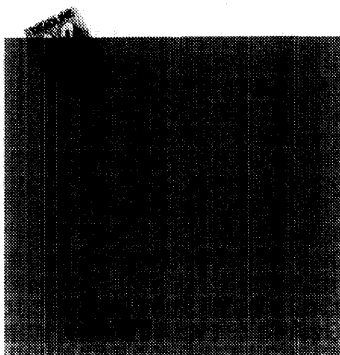


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