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Information and Notices

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I

(Information)

COMMISSION

Ecu ⁽¹⁾

13 January 1993

(93/C 9/01)

Currency amount for one unit:

Belgian and Luxembourg franc	40,3874	United States dollar	1,20183
Danish krone	7,57812	Canadian dollar	1,53834
German mark	1,96198	Japanese yen	151,394
Greek drachma	262,179	Swiss franc	1,80334
Spanish peseta	139,244	Norwegian krone	8,37013
French franc	6,64911	Swedish krona	8,95662
Irish pound	0,742052	Finnish markka	6,55356
Italian lira	1813,10	Austrian schilling	13,8054
Dutch guilder	2,20631	Icelandic krona	77,4818
Portuguese escudo	175,743	Australian dollar	1,78498
Pound sterling	0,778991	New Zealand dollar	2,34092

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).

Average prices and representative prices for table wines at the various marketing centres

(93/C 9/02)

(Established on 12 January 1993 for the application of Article 30 (1) of Regulation (EEC) No 822/87)

Type of wine and the various marketing centres	ECU per % vol/hl	Type of wine and the various marketing centres	ECU per % vol/hl
R I		A I	
Heraklion	No quotation	Athens	No quotation
Patras	No quotation	Heraklion	No quotation
Requena	1,806	Patras	No quotation
Reus	No quotation	Alcázar de San Juan	1,380
Villafranca del Bierzo	No quotation (*)	Almendralejo	No quotation
Bastia	2,794	Medina del Campo	No quotation
Béziers	3,037	Ribadavia	No quotation
Montpellier	2,976	Villafranca del Penedés	No quotation
Narbonne	3,078	Villar del Arzobispo	No quotation (*)
Nîmes	3,040	Villarobledo	No quotation (*)
Perpignan	2,970	Bordeaux	No quotation
Asti	No quotation	Nantes	No quotation
Florence	No quotation	Bari	No quotation
Lecce	No quotation	Cagliari	No quotation (*)
Pescara	No quotation	Chieti	No quotation
Reggio Emilia	No quotation (*)	Ravenna (Lugo, Faenza)	No quotation
Treviso	No quotation	Trapani (Alcamo)	1,677
Verona (for local wines)	No quotation	Treviso	No quotation
Representative price	3,005	Representative price	1,589
R II			ECU/hl
Heraklion	No quotation	A II	
Patras	No quotation	Rheinfalz (Oberhaardt)	36,148
Calatayud	No quotation	Rheinhessen (Hügelland)	35,872
Falset	No quotation	The wine-growing region of the Luxembourg Moselle	No quotation (*)
Jumilla	No quotation	Representative price	35,990
Navalcarnero	No quotation (*)		
Requena	No quotation	A III	
Toro	No quotation	Mosel-Rheingau	No quotation
Villena	No quotation (*)	The wine-growing region of the Luxembourg Moselle	No quotation
Bastia	No quotation	Representative price	No quotation
Brignoles	No quotation		
Bari	No quotation		
Barletta	No quotation		
Cagliari	No quotation		
Lecce	No quotation		
Taranto	No quotation		
Representative price	—		
R III			
Rheinfalz-Rheinhessen (Hügelland)	38,230		

(*) Quotation not taken into account in accordance with Article 10 of Regulation (EEC) No 2682/77.

Non-opposition to a notified concentration**(Case No IV/M.290 — Sextant/BGT-VDO)**

(93/C 9/03)

On 21 December 1992, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This Decision is based on Article 6 (1) (b) of Council Regulation (EEC) No 4064/89. Third parties showing a sufficient interest can obtain a copy of the Decision by making a written request to:

Commission of the European Communities,
Directorate General for Competition (DG IV),
Merger Task Force,
Avenue de Cortenberg, 150,
B-1049 Brussels.

Prior notification of a concentration**(Case No IV/M.299 — Sara Lee/BP Food Division)**

(93/C 9/04)

1. On 6 January 1993 the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89⁽¹⁾ by which Sara Lee Corporation of the USA acquires within the meaning of Article 3 (1) (b) of the Regulation control of the Consumer Food companies forming part of the BP Nutrition division of the British Petroleum Company plc by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Sara Lee: packaged meats and bakery, personal products (including hosiery and underwear), coffee and groceries, and personal care products (including toiletries),

— BP Consumer Food companies: processed meat.

3. Upon preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (fax No (32 2) 296 43 01) or by post, under reference number IV/M.299 — Sara Lee/BP Food Division, to the following address:

Commission of the European Communities,
Directorate General for Competition (DG IV),
Merger Task Force,
Avenue de Cortenberg, 150,
B-1049 Brussels.

(¹) OJ No L 395, 30. 12. 1989; OJ No L 257, 21. 9. 1990, p. 13 (Corrigendum).

COURT OF JUSTICE

COURT OF JUSTICE

JUDGMENT OF THE COURT

(First Chamber)

of 3 December 1992

in **Joined Cases C-140, C-141, C-278 and C-279/91**
(Reference for a preliminary ruling by the Pretura Circondariale di Bologna): **Mauro Suffritti and Others v. Istituto Nazionale della Previdenza Sociale (INPS)** ⁽¹⁾

(Protection of workers — Direct effect of a directive — Expiry of the time limit for implementation)

(93/C 9/05)

(Language of the case: Italian)

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

In **Joined Cases C-140, C-141, C-278 and C-279/91**: references to the Court under Article 177 of the EEC Treaty by the Pretura Circondariale [Local Magistrates' Court], Bologna, for a preliminary ruling in the proceedings pending before that court between Mauro Suffritti, Giacomo Fiori, Marco Giacometti, Marco Dal Pane and Leonardo Balletti, on the one hand, and Istituto Nazionale della Previdenza Sociale (INPS) [National Social Welfare Institution], on the other — on the interpretation of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer ⁽²⁾ — the Court (First Chamber), composed of G. C. Rodríguez Iglesias, President of the Chamber, R. Joliet and D. A. O. Edward, Judges; C. O. Lenz, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 3 December 1992, the operative part of which is as follows:

Employees may not rely on the provisions of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, in proceedings before the national courts in order to obtain payment from the guarantee fund established under Italian Law No 297/82 of the severance grant provided for by that Law without taking into account the temporal requirement which it lays down, namely that the benefits provided for by the fund are to be granted only if

the employment relationship ceased and the insolvency or implementation procedure took place after the entry into force of that Law.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 9 December 1992

in **Case C-119/91** (reference for a preliminary ruling made by the Court of Appeal in Northern Ireland): **Una McMenemy v. Adjudication Officer** ⁽¹⁾

(Social security — Family benefits — Rules against overlapping of benefits)

(93/C 9/06)

(Language of the case: English)

In **Case C-119/91**: reference to the Court under Article 177 of the EEC Treaty by the Court of Appeal in Northern Ireland for a preliminary ruling in the proceedings pending before that court between Una McMenemy and the Adjudication Officer — on the interpretation of Articles 13 and 73 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 family moving within the Community, as amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983 ⁽²⁾ and Article 10 of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71, as amended and updated by Regulation (EEC) No 2001/83 and by Council Regulation (EEC) No 1660/85 of 13 June 1985 ⁽³⁾ — the Court (Fifth Chamber), composed of: G. C. Rodríguez Iglesias, President of the Chamber, M. Zuleeg, R. Joliet, J. C. Moitinho de Almeida and D. A. O. Edward, Judges; Advocate-General: M. Darmon, Registrar: M. Triantafyllou, Administrator, gave a judgment on 9 December 1992, the operative part of which is as follows:

⁽¹⁾ OJ No C 140, 30. 5. 1991.

⁽²⁾ OJ No L 230, 22. 8. 1983, p. 6.

⁽³⁾ OJ No L 160, 20. 6. 1985, p. 1.

⁽¹⁾ OJ No C 178, 9. 7. 1991. OJ No C 313, 4. 12. 1991.

⁽²⁾ OJ No L 283, 28. 10. 1980, p. 23.

The exercise by a person having the care of children and, in particular, by the spouse of the person entitled in pursuance of Article 73 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 amended and updated by Council Regulation (EEC) No 2001/83 of 2 June 1983, of a professional or trade activity in the Member State of residence of the children suspends, under Article 10 of Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71, as amended by Regulation (EEC) No 2001/83 and by Council Regulation (EEC) No 1660/85 of 13 June 1985, the right to allowances in pursuance of Article 73 of Regulation (EEC) No 1408/71 up to the amount of the allowances of the same kind actually paid by the State of residence, irrespective of who is designated as directly entitled to the family allowances by the legislation of the State of residence.

JUDGMENT OF THE COURT

(Second Chamber)

of 10 December 1992

in Case C-231/91 (reference for a preliminary ruling made by the Finanzgericht Hamburg): Annuß GmbH & Co. KG v. Hauptzollamt Hamburg-Jonas ⁽¹⁾

(Beef and veal — Private-storage aid — Export refunds — Period during which goods in private storage may at the same time be covered by a customs-warehousing or free-zone procedure)

(93/C 9/07)

(Language of the case: German)

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

In Case C-231/91: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht Hamburg (Finance Court Hamburg) for a preliminary ruling in the proceedings pending before that court between Annuß GmbH & Co. KG and Hauptzollamt Hamburg-Jonas (Principal Customs Office, Hamburg-Jonas) — on the interpretation of Article 11 (2) of Commission Regulation (EEC) No 798/80 of 31 March 1980 laying down detailed rules on the advance payment of export refunds and positive monetary compensatory amounts in respect of agricultural products ⁽²⁾ and Article 6 (2) of Commission Regulation (EEC) No 2267/84 of 31 July 1984 providing for the grant of private-storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters of beef ⁽³⁾ — the Court (Second Chamber), composed of J. L.

Murray, President of the Chamber, G. F. Mancini and F. A. Schockweiler, Judges; C. Gulmann, Advocate-General; L. Hewlett, Administrator, for the Registrar, gave a judgment on 10 December 1992, the operative part of which is as follows:

In a situation such as that in the main action, Article 6 (2) of Commission Regulation (EEC) No 2267/84 of 31 July 1984 providing for the grant of private-storage aid fixed at a standard rate in advance in respect of carcasses, half-carcasses, hindquarters and forequarters of beef must be interpreted as meaning that the period during which goods covered by a private storage contract may at the same time be covered by a customs-warehousing or free-zone procedure expires before the period which the exporter is obliged to comply with for the purposes of the private storage aid which was granted to him.

ORDER OF THE COURT

of 18 November 1992

in Case C-118/91: French Republic against the Commission of the European Communities ⁽¹⁾

(Decision unnecessary)

(93/C 9/08)

(Language of the case: French)

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

In Case C-118/91, French Republic (Agents: Edwige Belliard and Claude Chavance) against the Commission of the European Communities (Agents: Gérard Rozet and Patrick Hetsch) — application for the annulment of the decision contained in the Commission's letter of 18 February 1981 concerning clearance of the accounts of the Member States in respect of the expenditure financed by the EAGGF, Guarantee Section, for 1988, the Court, composed of: O. Due, President, C. N. Kakouris, G. C. Rodríguez Iglesias, M. Zuleeg and J. L. Murray (Presidents of Chambers), G. F. Mancini, R. Joliet, F. A. Schockweiler, J. C. Moitinho de Almeida, F. Grévisse and P. J. G. Kapteyn, Judges; Advocate-General: G. Tesouro, Registrar: J.-G. Giraud, made an order on 18 November 1992, the operative part of which is as follows:

1. *It is not necessary to give a decision;*
2. *The parties are ordered to bear their own costs.*

⁽¹⁾ OJ No C 277, 24. 10. 1991.

⁽²⁾ OJ No L 87, 1. 4. 1980, p. 42.

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 31.

⁽¹⁾ OJ No C 156, 14. 6. 1991.

Action brought on 26 November 1992 by the Federal Republic of Germany against the Commission of the European Communities

(Case C-400/92)

(93/C 9/09)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 26 November 1992 by the Federal Republic of Germany, represented by Dieter Sellner, Rechtsanwalt, Oxfordstraße 24, D-W-5300 Bonn 1, and Ernst Röder, Ministerialrat at the Federal Ministry of Economic Affairs, Box 14 02 60, D-W-5300 Bonn 1.

The applicant claims that the Court should:

1. Declare void the Commission's Decision of 31 July 1992⁽¹⁾;
2. In the alternative, declare void Articles 2 and 3 of the Commission's Decision of 31 July 1992;
3. Order the defendant to pay the costs.

Contentions and main arguments adduced in support:

- Infringement of Article 92 (3) (d) of the EEC Treaty in conjunction with Article 4 (7) of Council Directive 90/684/EEC⁽²⁾; the aid envisaged should be classified as development assistance for the People's Republic of China and satisfies all the relevant OECD criteria referred to in that directive. The Commission is wrong in refusing to accept that the aid constitutes development assistance on the ground that it is not necessary for the Chinese State shipping company Cosco. The criterion that aid must be necessary for the undertaking in question cannot be inferred from Article 4 (7) of the directive. It also does not feature in the general principles of interpretation which the Commission drew up for its own assessment of planned aid in a letter of 3 January 1989 addressed to the Member States. The Commission does not dispute that the aid will have the effect of development assistance for the People's Republic of China, this being the only relevant criterion.
- Breach of the principles of equal treatment and the protection of legitimate expectations through the

⁽¹⁾ Concerning aid granted by the Federal Republic of Germany in connection with a contract with the Chinese shipping company Cosco for the construction of four container ships.

⁽²⁾ OJ No L 380, 31. 12. 1990, p. 27.

introduction of a criterion not provided for in Article 4 (7) of Directive 90/684/EEC.

- Improper exercise of discretion: the Commission's argument that the aid granted is liable to distort competition in the Common Market in both the ship-building and ship-freight sectors is incompatible with its finding that it cannot prove that the pricing structure will have an effect similar to that of aid to the shipyards engaged.
- Procedural error: the change in the Commission's practice was not the subject of the hearing.

Reference for a preliminary ruling by the Cour de Cassation of the French Republic by judgment of that court of 17 December 1991 in the case of Claire Lafforgue and François Baux v. Société Civile Immobilière Château de Calce and Société Coopérative de Calce

(Case C-403/92)

(93/C 9/10)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour de Cassation (Court of Cassation) of the French Republic of 17 December 1991, which was received at the Court Registry on 2 December 1992, for a preliminary ruling in the case of Claire Lafforgue and François Baux v. Société Civile Immobilière Château de Calce and Société Coopérative de Calce on the following questions:

1. Is (Article 5 (1) of Commission Regulation (EEC) No 997/81 of 26 March 1981)⁽¹⁾ applicable where wine growers produce wine bearing a registered designation of origin on lands attached to a château which have been partitioned and the wine growers have formed a cooperative society on whose premises the product of the harvest is made into wine?
2. Is the answer the same if the cooperative includes among its members wine growers whose land was not part of the land originally attached to the château?

⁽¹⁾ OJ No L 106, 16. 4. 1981, p. 1.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST
INSTANCE

of 10 December 1992

in Case T-33/91: Calvin E. Williams v. Court of
Auditors ⁽¹⁾*(Official — Admissibility — Staff report — Regular
marking procedure)*

(93/C 9/11)

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

In Case T-33/91: Calvin E. Williams, an official of the Court of Auditors of the European Communities, residing in Luxembourg, represented by Jean-Paul Noesen of the Luxembourg Bar, with an address for service in Luxembourg at his Chambers at 18 Rue des Glacis against Court of Auditors of the European Communities (Agent: Jean-Marie Stenier) — application for annulment of the applicant's staff report for the period from 4 January 1988 to 31 December 1989 — the Court of First Instance (Fourth Chamber), composed of R. García-Valdecasas, President of the Chamber, C. P. Briët and C. W. Bellamy, Judges; B. Pastor, Administrator, for the Registrar, gave a Judgment on 10 December 1992, the operative part of which is as follows:

1. *the decision of 27 July 1990 establishing the applicant's staff report for the period from 4 January 1988 to 31 December 1989 is annulled;*
2. *the Court of Auditors is ordered to pay the costs.*

⁽¹⁾ OJ No C 153, 11. 6. 1991.

Action brought on 1 December 1992 by Jean Baiwir
against Commission of the European Communities

(Case T-103/92)

(93/C 9/12)

An action against the Commission of the European Communities was brought before the Court of First Instance on 1 December 1992 by Jean Baiwir, of Court-St-Etienne, Belgium, represented by Georges Vander-sanden, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Alex Schmitt, 62 Avenue Guillaume.

The applicant claims that the Court of First Instance should:

- Annul the Commission decision of 27 February 1992 appointing the applicant to the post of administrative assistant in DG XIX, after his successful participation in competition EUR/B/21, to the extent to which that appointment classifies him in the first step of Grade B5, without any additional seniority;
- Order the Commission to pay by way of compensation interest at the rate of 10 % per year as from the entry into force of the contested decision, namely 1 March 1992, until such time as the applicant's classification in step is rectified;
- Order the Commission to pay the costs in their entirety.

Pleas in law and main arguments adduced in support:

The applicant alleges infringement of Article 32 of the Staff Regulations of Officials since his admission to Category B from Category C, following an open 'inter-institutional' competition, constitutes recruitment by virtue of the fact that, as a result of competition EUR/B/21, he was able to enter a different category in the European civil service from the one to which he previously belonged. He concludes that he should have been classified in accordance with the rules applicable to recruitment contained in Article 32 of the Staff Regulations, and not on the incorrect basis of Article 46, which contains the rules applicable to promotion within the institution.

The applicant also claims that the contested decision was in breach of the general principle of non-discrimination in that it classified him in accordance with criteria (which are unfavourable to him) other than those applied to external candidates on the sole and fallacious pretext that he was already an official; he considers that, in view of his qualifications and experience acquired before he took up his duties, he would, in the normal course, have been classified in step 3 of Grade B5 if he had been regarded as a new official.

Removal from the Register of Case T-51/92 ⁽¹⁾

(93/C 9/13)

By order of 20 November 1992 the President of the Court of First Instance of the European Communities ordered the removal from the Register of Case T-51/92: Christiane Verbeeck v. Commission of the European Communities.

⁽¹⁾ OJ No C 219, 26. 8. 1992.

III

(Notices)

COMMISSION

EUROPEAN ECONOMIC INTEREST GROUPING

Notices published pursuant to Council Regulation (EEC) No 2137/85 of 25 July 1985 ⁽¹⁾ —
Formation

(93/C 9/14)

- | | |
|--|---|
| <p>1. Name of grouping: European Computer Publishers</p> <p>2. Date of registration of grouping: 2. 12. 1992</p> <p>3. Place of registration of grouping:</p> <p>(a) Member State: F</p> <p>(b) Place: 1, rue du Colonel Pierre Avia, F-75015 Paris</p> <p>4. Registration number of grouping: C 389.217.944</p> <p>5. Publication(s):</p> <p>(a) Full title of publication: Bulletin officiel des annonces civiles et commerciales</p> <p>(b) Name and address of publisher: Bulletin officiel des annonces civiles et commerciales, 26, rue Desaix, F-75015 Paris</p> <p>(c) Date of publication: 18. 12. 1992</p> <hr style="width: 10%; margin-left: 0;"/> <p>1. Name of grouping: Riskaudit IPSN/GRS International</p> <p>2. Date of registration of grouping: 15. 10. 1992</p> <p>3. Place of registration of grouping:</p> <p>(a) Member State: F</p> <p>(b) Place: Centre d'études de Fontenay, 60-68, avenue Général Leclerc, F-92260 Fontenay-aux-Roses</p> | <p>4. Registration number of grouping: C 388 843 930 (92C00057)</p> <p>5. Publication(s):</p> <p>(a) Full title of publication: Bulletin officiel des annonces civiles et commerciales (BODACC)</p> <p>(b)</p> <p>(c) Date of publication: 20. 11. 1992</p> <hr style="width: 10%; margin-left: 0;"/> <p>1. Name of grouping: EUREFAP - Groupement européen de référencement et d'approvisionnement</p> <p>2. Date of registration of grouping: 28. 10. 1992</p> <p>3. Place of registration of grouping:</p> <p>(a) Member State: F</p> <p>(b) Place: 62 bis, rue de Bagneux, F-92120 Montrouge</p> <p>4. Registration number of grouping: C 388-906-455 (92C00060)</p> <p>5. Publication(s):</p> <p>(a) Full title of publication: Bulletin officiel des annonces civiles et commerciales (BODACC)</p> <p>(b)</p> <p>(c) Date of publication: 14. 11. 1992</p> |
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⁽¹⁾ OJ No L 199, 31. 7. 1985, p. 1.

