

Regulation to concentrated butter from storage — the Court (First Chamber), composed of J. Mertens de Wilmars, President, A. O'Keeffe and G. Bosco, Judges; J.-P. Warner, Advocate General; A. Van Houtte, Registrar, gave a judgment on 28 June 1979, the operative part of which is as follows:

*The definitive application of the reduced monetary compensatory amounts provided for by Article 20 of Regulation (EEC) No 1259/72 of the Commission of 16 June 1972 presupposes that the goods in question, having regard in particular to the use to which they are to be put, have the reduced value attributed to them by virtue of Regulation (EEC) No 1259/72. In so far as the importer has not furnished the proof, within the period prescribed in Article 6 (1) (c) and (2) of Regulation (EEC) No 1259/72, that the goods have been put to the use to which the reduction of the compensatory amounts is subject, the legal basis for the subsequent re-assessment of such amounts is to be found in the general rules governing the system of monetary compensatory amounts, as established by Regulation (EEC) No 974/71 of the Council of 12 May 1971.*

## JUDGMENT OF THE COURT

(First Chamber)

of 28 June 1979

in Case 217/78 (reference for a preliminary ruling made by the Finanzgericht Düsseldorf): Nicolas Corman & Fils, Goé Dolhain (Belgium), v. Hauptzollamt Aachen-Süd <sup>(1)</sup>

(Language of the Case: German)

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

In Case 217/78: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht [Finance Court] Düsseldorf for a preliminary ruling in the proceedings pending before that court between Nicolas Corman & Fils and Hauptzollamt [Principal Customs Office] Aachen-Süd — on the interpretation of Regulation (EEC) No 1259/72 of the Commission of 16 June 1972 (Official Journal, English Special Edition 1972 (II), p. 559) and Regulation (EEC) No 232/75 of the Commission of 30 January 1975 (Official Journal No L 24, 31. 1. 1975, p. 45) concerning the application of the favourable tariff provisions provided for in those Regulations to concentrated butter from storage — the Court (First Chamber), composed of J. Mertens de Wilmars, President, A. O'Keeffe and G. Bosco, Judges; J.-P. Warner, Advocate General; A. Van Houtte, Registrar, gave a judgment on 28 June 1979, the operative part of which is as follows:

*The definitive application of the reduced monetary compensatory amounts provided for by Article 20 of Regulation (EEC) No 1259/72 of the Commission of 16 June 1972 and in Article 20 of Regulation (EEC) No 232/75 of the Commission of 30 January 1975 presupposes that the goods in question, having regard in particular to the use to which they are to be put, have the reduced value attributed to them by virtue of those Regulations. In so far as the importer has not furnished the proof, within the period prescribed in Article 6 of the said Regulations, that the goods have been put to the use to which the reduction of the compensatory amounts is subject, the legal basis for the subsequent re-assessment of such amounts is to be found in the general rules governing the system of monetary compensatory amounts, as established by Regulation (EEC) No 974/71 of the Council of 12 May 1971.*

<sup>(1)</sup> OJ No C 263, 7. 11. 1978, p. 11.