

COURT OF JUSTICE

Reference for a preliminary ruling by the Tribunal de Grande Instance, Pau, by judgment of that court of 22 April 1981 in the case of Société Coopérative d'Amélioration de l'Élevage et d'Insémination Artificielle du Béarn, v. Lucien Jean Marie Mialocq and Others

(Case 271/81)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal de Grande Instance [Regional Court], Pau, of 22 April 1981, which was received at the Court Registry on 7 October 1981, for a preliminary ruling in the case of Société Coopérative d'Amélioration de l'Élevage et d'Insémination Artificielle du Béarn, Billère, v. (1) Lucien Jean Marie Mialocq, Sauvelade, (2) Henri Saphore, Saint Cricq du Gave, (3) Société Agri-Sem, Idron, on the following questions:

1. Does the provision of services have a commercial character within the meaning of Article 37 of the Treaty of Rome if, because it is the subject of a national monopoly, the State is enabled to direct a branch of the national economy?
2. If the preceding question is answered in the affirmative, can a system under which authorizations are issued by the State for the provision of such services involve discrimination within the meaning of the same article?
3. More particularly still, can the discrimination referred to apply exclusively to persons and not to products?

Reference for a preliminary ruling by the Tribunal Administratif, Paris, by judgment of that court of 16 June 1981 in the case of the Rumi Company v. the Fonds d'Orientation et de Régularisation des Marchés Agricoles (FORMA)

(Case 272/81)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal Administratif [Administrative Court], Paris, of 16 June 1981, which was received at the Court Registry on 12 October 1981, for a preliminary ruling in the case of the Rumi Company, Rungis, v. the Fonds d'Orientation et de Régularisation des Marchés Agricoles (FORMA) on the following questions:

1. Is the fact that the denaturing of the product in question departs only very slightly from the generally recognized standard sufficient to operate as a total bar against the producer's receiving the benefit of the special aid introduced by Regulation (EEC) No 1844/77 (1)?

(1) Commission Regulation (EEC) No 1844/77 of 10 August 1977 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves — OJ No L 205, 11. 8. 1977, p. 11.

2. If so, does not that regulation contravene the principle of proportionality and is it valid inasmuch as the wording of Articles 13 (7) and 14 enables the same sanction to be applied both where no denaturing at all has taken place and where denaturing has been carried out but not wholly in the prescribed manner?

Reference for a preliminary ruling by the Tribunal Administratif, Paris, by judgment of that court of 16 June 1981 in the case of the Laitière de Gace Company v. the Fonds d'Orientation et des Marchés Agricoles (FORMA)

(Case 273/81)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal Administratif [Administrative Court], Paris, of 16 June 1981, which was received at the Court Registry on 12 October 1981, for a preliminary ruling in the case of the Laitière de Gace Company v. the Fonds d'Orientation et des Marchés Agricoles (FORMA) on the question:

whether Regulation [(EEC)] No 987/68 [of the Council] ⁽¹⁾ laying down general rules for granting aid for skimmed-milk processed into casein or caseinates and Regulation [(EEC)] No 756/70 [of the Commission] ⁽²⁾ laying down requirements as to the quality of the denatured product contravene the principle of proportionality and whether or not those regulations are thus valid inasmuch as they provide no distinction as to the penalty in the case where skimmed-milk is not processed and in the case where after processing the product deviates slightly from the formula laid down in the provisions of the regulations.

⁽¹⁾ Official Journal, English Special Edition 1968 (I), p. 262.

⁽²⁾ Official Journal, English Special Edition 1970 (I), p. 201.