

COURT OF JUSTICE

JUDGMENT OF THE COURT

of 10 January 1985

in Case 229/83 (reference for a preliminary ruling made by the Cour d'Appel, Poitiers) Association des Centres Distributeurs Édouard Leclerc and Thouars Distribution v. Au Blé Vert Sàrl (*)

(Fixed prices for books)

(85/C 32/06)

(Language of the case: French)

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

In Case 229/83: reference to the Court under Article 177 of the EEC Treaty by the Cour d'Appel [Court of Appeal], Poitiers, for a preliminary ruling in the proceedings pending before that court between Centres Distributeurs Édouard Leclerc, Paris, and Thouars Distribution, Saint-Verge, on the one hand, and Au Blé Vert Sàrl, Thouars; Georges Lehec, Auxerre; Pelgrim SA, Thouars; Union Syndicale des Libraires de France, Paris; Ernest Marchand, Thouars; and Jeanne Demée, née Palluault, Thouars; on the other — on the interpretation of Articles 3 (f) and 5 of the EEC Treaty, the Court, composed of Lord Mackenzie Stuart, President, G. Bosco and C. Kakouris (Presidents of Chambers), A. O'Keefe, T. Koopmans, U. Everling, K. Bahlmann, Y. Galmot and R. Joliet, Judges; M. Darmon, Advocate-General; J. A. Pompe, Deputy Registrar, gave a judgment on 10 January 1985, the operative part of which is as follows:

1. *As Community law stands, the second paragraph of Article 5 of the EEC Treaty, in conjunction with Articles 3 (f) and 85, does not prohibit Member States from enacting legislation whereby the retail price of books must be fixed by the publisher or by the importer and is binding on all retailers, provided that such legislation is consonant with the other specific provisions of the Treaty, in particular those relating to the free movement of goods.*

2. *In the context of such national legislation the following constitute measures equivalent to quantitative restrictions on imports, contrary to Article 30 of the Treaty:*

- (a) *provisions whereby the importer responsible for carrying out the legal-deposit requirement, that is to say the principal distributor, is responsible for fixing the retail price;*
- (b) *provisions requiring the selling price fixed by the publisher to be applied to books published in the Member State concerned and re-imported following exportation to another Member State, unless it is established that those books were exported for the sole purpose of re-importation in order to circumvent the legislation in question.*

JUDGMENT OF THE COURT

(First Chamber)

of 15 January 1985

in Case 168/83: Laura Pasquali-Gherardi v. European Parliament (*)

(Official — Accident at work — Claim for damages)

(85/C 32/07)

(Language of the case: French)

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

In Case 168/83: Laura Pasquali-Gherardi, a secretary/shorthand-typist in Grade C 2, Step 3 at the European Parliament, residing at 17 Boulevard Royal, Luxembourg, represented by V. Biel, of the Luxembourg Bar, with an address for service at the latter's Chambers, 18a Rue des Glacis, against the European Parliament (Agent: M. Peter, assisted by A. Bonn, of the Luxembourg Bar) — application for damages on the ground of a wrongful act or omission on the part of the European Parliament in the performance of its functions — the Court (First Chamber), composed of

(*) OJ No C 295, 2. 11. 1983.

(*) OJ No C 239, 8. 9. 1983.

G. Bosco, President, A. O'Keeffe and R. Joliet, Judges; M. Darmon, Advocate-General; D. Louterman, Administrator, acting for the Registrar, gave a judgment on 15 January 1984, the operative part of which is as follows:

1. *The application is dismissed as inadmissible.*
2. *The parties shall bear their own costs.*

JUDGMENT OF THE COURT

(Fourth Chamber)

of 15 January 1985

in Case 241/83 (reference for a preliminary ruling made by the Bundesgerichtshof): Erich Rösler v. Horst Rottwinkel (¹)

(Brussels Convention, Article 16 (1) — Exclusive jurisdiction — Tenancies of immovable property)

(85/C 32/08)

(Language of the case: German)

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

In Case 241/83: reference to the Court under the Protocol of 3 June 1971 to the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters by the Bundesgerichtshof [Federal Court of Justice] for a preliminary ruling in the proceedings pending before that court between Erich Rösler, Berlin, and Horst Rottwinkel, Bielefeld — on the interpretation of Article 16 (1) of that Convention concerning the exclusive jurisdiction in proceedings which have as their object rights *in rem* in, or tenancies of, immovable property of the courts of the Contracting State in which the property is situated — the Court (Fourth Chamber), composed of G. Bosco, President of Chamber, P. Pescatore, A. O'Keeffe, T. Koopmans and K. Bahlmann, Judges; Sir Gordon Slynn, Advocate-General; Miss D. Louterman, Administrator, acting for the Registrar, gave a judgment on 15 January 1985, the operative part of which is as follows:

1. *Article 16 (1) of the Convention applies to all agreements for the tenancy of immovable property, even those concluded for a limited period and even if they relate only to the letting of a holiday home.*

(¹) OJ No C 316, 22. 11. 1983.

2. *Disputes concerning the respective obligations of the landlord or the tenant under a tenancy agreement, and in particular those concerning the existence or interpretation thereof, its duration, delivery up of possession of the immovable property to the landlord, repair of damage caused by the tenant, or recovery of rent and other supplementary charges payable by the tenant, such as water, gas and electricity charges, are within the exclusive jurisdiction, as stipulated in Article 16 (1) of the Convention, of the courts of the State in which the property is situated. On the other hand, disputes which concern only indirectly the use of the property let, such as those concerning lost holiday enjoyment or travel expenses do not come within the jurisdiction referred to in that Article.*

JUDGMENT OF THE COURT

(Fifth Chamber)

of 15 January 1985

in Case 250/83: Finsider — Società Finanziaria Siderurgica per Azioni v. Commission of the European Communities (¹)

(ECSC — Quotas — National aids)

(85/C 32/09)

(Language of the case: Italian)

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

In Case 250/83: Finsider — Società Finanziaria Siderurgica per Azioni, Rome, represented by Sergio M. Carbone, of the Genoa Bar, and Roberto Barabino, with an address for service in Luxembourg at the Chambers of Nico Schaeffer, 12 Avenue de la Porte Neuve, against Commission of the European Communities (Agent: Oreste Montalto) — application for a declaration that the general Commission Decision No 2748/83 of 30 September 1983 amending for the second time Decision No 2177/83/ECSC on the extension of the system of monitoring and production quotas for certain products of undertakings in the steel industry (²) is void — the Court (Fifth Chamber), composed of O. Due, President of Chamber, C. Kakouris, U. Everling, Y. Galmot and R. Joliet,

(¹) OJ No C 336, 13. 12. 1983.

(²) OJ No L 269, 1. 10. 1983, p. 55.