

3. *The other applications are dismissed.*
4. *In Case 261/82 each party shall bear its own costs.*
5. *In regard to the other applications the applicants are ordered jointly and severally to pay the costs.*

### JUDGMENT OF THE COURT

(Fourth Chamber)

of 10 December 1985

in Case 290/84 (reference for a preliminary ruling made by the Bundesfinanzhof): Hauptzollamt Schweinfurt v. Mainfrucht Obstverwertung GmbH <sup>(1)</sup>

(Valuation for customs purposes — Transport costs)

(85/C 347/08)

(Language of the Case: German)

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

In Case 290/84: reference to the Court under Article 177 of the EEC Treaty by the Bundesfinanzhof (Federal Finance Court) for a preliminary ruling in the proceedings pending before that court between Hauptzollamt Schweinfurt and Mainfrucht Obstverwertung GmbH — on the interpretation of Articles 3 and 15 of Council Regulation No 1224/80 of 28 May 1980 on the valuation of goods for customs purposes (Official Journal No L 134, p. 1) — the Court (Fourth Chamber), composed of K. Bahlmann, (President of Chamber), G. Bosco, T. Koopmans, T.F. O'Higgins, F. Schockweiler, Judges; C. O. Lenz, Advocate General; P. Heim, Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

*Where a domestic buyer has paid the foreign seller, in addition to the price of the goods, a special amount in respect of 'intra-Community transport costs' on the basis of a separate invoice, the transaction value within the meaning of Article 3 (1) of Regulation No 1224/80 includes only the first of those amounts, but the competent customs authorities may, if the circumstances warrant it, check the invoice relating to the costs in question in order to verify that they are not fictitious.*

<sup>(1)</sup> OJ No C 29, 31. 1. 1985, p. 3.

### JUDGMENT OF THE COURT

(Fourth Chamber)

of 10 December 1985

in Case 31/85 (reference for a preliminary ruling made by the Tribunal de Commerce, Brussels): ETA Fabriques d'Ébauches SA v. DK Investment SA and Others <sup>(1)</sup>

(Competition — Parallel market and duty to furnish guarantee)

(85/C 347/09)

(Language of the Case: French)

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

In Case 31/85: reference to the Court under Article 177 of the EEC Treaty by the Tribunal de Commerce (Commercial Court), Brussels, for a preliminary ruling in the proceedings pending before that court between ETA Fabriques d'Ébauches SA, a company incorporated under Swiss law, whose registered office is at Grenchen (Switzerland), on the one hand, and (1) DK Investment SA, a company incorporated under Belgian law, whose registered office is at Ixelles (Belgium), (2) Horelec SA, a company incorporated under Belgian law, whose registered office is at Ixelles, (3) SCOR SA, a company incorporated under Belgian law, whose registered office is at Ixelles, (4) Bureau d'Achats Maxitec SA, a company incorporated under Belgian law, whose registered office is at Edegem (Belgium), and (5) GB-Inno-BM, SA, a company incorporated under Belgian law, whose registered office is in Brussels, on the other hand — on the interpretation of Article 85 of the EEC Treaty — the Court (Fourth Chamber), composed of K. Bahlmann, President, G. Bosco, T. Koopmans, T.F. O'Higgins and F. Schockweiler, Judges; M. Darmon, Advocate General; P. Heim, Registrar, gave a judgment on 10 December 1985, the operative part of which is as follows:

*A clause inserted in an exclusive distribution contract, whereby the manufacturer undertakes with his sole agent to grant, after sale to the consumer, a guarantee in respect of his products and by virtue of which he withholds the guarantee from the customers of parallel distributors, is incompatible with Article 85 (1) of the EEC Treaty, inasmuch as the restriction on competition which is likely to result therefrom affects trade between Member States.*

<sup>(1)</sup> OJ No C 63, 12. 3. 1985, p. 4.

### JUDGMENT OF THE COURT

of 11 December 1985

in Case 192/84: Commission of the European Communities v Hellenic Republic <sup>(1)</sup>

(Measures having equivalent effect — Credit terms for the purchase of agricultural machinery)

(85/C 347/10)

(Language of the Case: Greek)

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

In Case 192/84: the Commission of the European Communities (Agent: X. Yataganas) against the Hellenic

<sup>(1)</sup> OJ No C 281, 20. 10. 1984.