

7. Whether such an undertaking which has been granted under the law of the Member State a monopoly on television broadcasting of any kind throughout the national territory of that State may be considered to occupy a dominant position in a substantial part of the common market, and,
8. if so, whether and to what extent the imposition (owing to the absence of any other competition in the market) of monopoly prices for television advertisements and of such preferential treatment, at its discretion, to the detriment of Community consumers, and the performance by that undertaking of the activities mentioned above in question (5), pursued in the absence of competition in the field in which it operates, constitute an abuse of a dominant position.
9. Whether and to what extent the grant by law to a single broadcaster of a television monopoly for the entire national territory of a Member State, with the right to make television broadcasts of any kind, is compatible today with the social objective of the EEC Treaty (preamble and Article 2), the constant improvement of the living conditions of the peoples of Europe and the rapid raising of their standard of living, and with the provisions of Article 10 of the European Convention for the Protection of Human Rights of 4 November 1950.
10. Whether the freedom of expression secured by Article 10 of the European Convention for the Protection of Human Rights of 4 November 1950 and the abovementioned social objective of the EEC Treaty, set out in its preamble and in Article 2, impose *per se* obligations on the Member States, independently of the written provisions of Community law in force, and if so what those obligations are.

Reference for a preliminary ruling by the Arrondissementsrechtbank, Almelo, by judgment of that court of 29 June 1989 in criminal proceedings brought against Bonfait BV

(Case 269/89)

(89/C 261/07)

Reference has been made to the Court of Justice of the European Communities by interlocutory judgment of the Arrondissementsrechtbank (District Court), Almelo, of 29 June 1989, which was received at the Court Registry on 5 September 1989, for a preliminary ruling in criminal proceedings brought against a company, Bonfait BV, Denekamp, on the following questions:

1. Are the provisions of the Netherlands Vlees- en Vleeswarenbesluit (order on meat and meat products) applicable to meat products imported into the Netherlands from other Member States?
2. Are the said provisions measures within the meaning of Article 30 of the EEC Treaty?
3. Do the said provisions serve to protect public health in the Netherlands?

Reference for a preliminary ruling by the College van Beroep voor het Bedrijfsleven by judgment of that court of 12 July 1989 in the case of M. E. van der Laan-Velzeboer and P. C. L. van der Laan v. Minister van Landbouw en Visserij

(Case 285/89)

(89/C 261/08)

Reference has been made to the Court of Justice of the European Communities by judgment of the College van Beroep voor het Bedrijfsleven (Court of last instance in matters of trade and industry) of 12 July 1989, which was received at the Court Registry on 15 September 1989, for a preliminary ruling in the case of M. E. van der Laan-Velzeboer and P. C. L. van der Laan, Oudesluis, v. Minister van Landbouw en Visserij (Minister for Agriculture and Fisheries), The Hague, on the following question:

Must the situation referred to in Article 3 of Commission Regulation (EEC) No 1371/84 ⁽¹⁾ now Commission Regulation (EEC) No 1546/88 ⁽²⁾ laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68, namely 'compulsory appropriation of a considerable part of the utilizable agricultural area of the producer's holding, resulting in a temporary reduction of the fodder area of the holding', be interpreted as covering the case in which the owner of land and the operator of a public utility have reached an agreement of the kind referred to in Article 2 of the Nederlandse Belemmeringenwet Privaatrecht (Netherlands Law on Obstruction (Private Law)) (Staatsblad 1927, p. 159), in order to avoid the issue of a compulsory use order as defined in Article 1 of that Law, as a result of which the producer in question has temporarily lost the opportunity of using a considerable part of the utilizable agricultural area of the holding, resulting in a temporary reduction of the fodder area of the holding, a consequence which would also have occurred if the aforesaid compulsory use order had been made?

⁽¹⁾ OJ No L 132, 18. 5. 1984, p. 11.

⁽²⁾ OJ No L 139, 4. 6. 1988, p. 12.