

COURT OF JUSTICE

JUDGMENT OF THE COURT

(First Chamber)

of 13 December 1989

in Case C-17/88: Dimitrios Patrinos v. Economic and Social Committee of the European Communities⁽¹⁾

(Staff Regulations — Probationer not established)

(90/C 16/04)

(Language of the case: French)

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

In Case C-17/88: Dimitrios Patrinos, a former probationary official of the Economic and Social Committee of the European Communities, residing in Athens, represented by M. and O. Slusny, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of E. Arendt, 4 avenue Marie-Thérèse, against the Economic and Social Committee of the European Communities (Agent: D. Bruggemann, assisted by D. Lagasse, of the Brussels Bar) — application for the annulment of the decision dismissing the applicant at the end of his probationary period — the Court (First Chamber), composed of Sir Gordon Slynn, President of the Chamber, R. Joliet and G. C. Rodríguez Iglesias, Judges; C. O. Lenz, Advocate-General; B. Pastor, Administrator, for the Registrar, gave a judgment on 13 December 1989, the operative part of which is as follows:

1. *The application is dismissed;*
2. *The parties are ordered to bear their own costs.*

⁽¹⁾ OJ No C 40, 12. 2. 1988.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 13 December 1989

in Case C-26/88 (reference for a preliminary ruling made by the Hessisches Finanzgericht): Brother International GmbH v. Hauptzollamt Gießen⁽¹⁾

(Origin of goods — Assembly of prefabricated components)

(90/C 16/05)

(Language of the case: German)

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

In Case C-26/88: reference to the Court under Article 177 of the EEC Treaty by the Hessisches Finanzgericht

⁽¹⁾ OJ No C 45, 18. 2. 1988.

[Finance court, Hessen] for a preliminary ruling in the proceedings pending before that court between Brother International GmbH, whose registered office is in Bad Vilbel, Federal Republic of Germany, and Hauptzollamt [Principal Customs Office] Gießen — on the interpretation of Articles 5 and 6 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods (OJ No L 148, 28. 6. 1968, p. 1) — the Court (Fifth Chamber), composed of Sir Gordon Slynn, President of the Chamber, M. Zuleeg, R. Joliet, J. C. Moitinho de Almeida and G. C. Rodríguez Iglesias, Judges W. Van Gerven, Advocate-General; J. A. Pompe, Deputy Registrar, for the Registrar, gave a judgment on 13 December 1989, the operative part of which is as follows:

1. *The simple assembly of prefabricated parts originating in a country different from that in which they were assembled is sufficient to give the resulting product the origin of the country in which assembly took place, provided that from a technical point of view and having regard to the definition of the goods in question such assembly represents the decisive production stage during which the intended use of the parts used becomes definite and the goods in question take on their specific qualities; if the application of that criterion does not lead to a conclusion, it must be examined whether all the assembly operations in question result in an appreciable increase in the commercial value ex factory of the finished product;*
2. *The transfer of assembly from the country in which the parts were manufactured to another country in which existing factories are used does not in itself justify the presumption that the sole object of the transfer was to circumvent the applicable provisions unless the transfer of assembly coincides with the entry into force of the relevant regulations. In that case, the manufacturer concerned must prove that there was a reasonable ground for carrying out the assembly operations in the country from which the goods have been exported and that it was not for the purpose of escaping the consequences of the provisions in question.*