

Reference for a preliminary ruling by the Arbeitsgericht Lörrach by judgment of that court of 31 January 1990 in the case of Alberto, Vittorio, Raffaella and Carmela Paletta v. Brennet AG

(Case C-45/90)

(90/C 85/11)

Reference has been made to the Court of Justice of the European Communities by judgment of the Arbeitsgericht Lörrach (Labour Court, Lörrach) of 31 January 1990, which was received at the Court Registry on 21 February 1990, for a preliminary ruling in the case of Alberto, Vittorio, Raffaella and Carmela Paletta v. Brennet AG on the following questions:

1. are the principles contained in the judgment of the Third Chamber of the Court of Justice of 12 March 1987 in Case 22/86 regarding the interpretation of Article 18 (1) and (5) of Regulation (EEC) No 574/72 ⁽¹⁾ transferrable, in whole or in part, to cases, in which payment of cash benefits in the event of illness is made by the employer and not by the social security institution such as, for example, under § 1 *et seq.* of the Lohnfortzahlungsgesetz of the Federal Republic of Germany of 27 July 1969 (Bundesgesetzblatt I, p. 946, most recently amended by the Law of 20 December 1988, Bundesgesetzblatt I, p. 2477)?

In particular:

2. is the body responsible for continued payment of remuneration in the event of illness under the law of the Federal Republic of Germany in accordance with § 1 *et seq.* of the Lohnfortzahlungsgesetz for workers required to base its decision, in fact and in law, in regard to the entitlement to cash benefits on the findings made by the social security institution of the employee's place of residence concerning the commencement and duration of the incapacity for work?
3. if the answer to Question 1 is in the affirmative, will the answer be the same if the employer, who, under § 1, bears responsibility for continuing payment of wages, has no way of checking, in fact or in law, the findings concerning the commencement of the incapacity for work other than to call upon the competent sickness insurance fund, which in this case is not primarily liable to pay the benefit, to have the employee examined by a doctor of its own choice (or its medical officer) pursuant to Article 18 (5) of Regulation (EEC) No 574/72?

⁽¹⁾ OJ No L 74, 27. 3. 1972, p. 11.

Reference for a preliminary ruling by the Tribunal de Première Instance, Bruxelles, by judgment of that court of 19 April 1989 in the case of Procureur du Roi v. J. M. G. Lagauche and Others

(Case C-46/90)

(90/C 85/12)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Première Instance [Court of First Instance] Brussels of 19 April 1989, which was received at the Court Registry on 28 February 1990, for a preliminary ruling in the case of Procureur du Roi [Crown Prosecutor] v. J. M. G. Lagauche and Others on the following questions:

Are Articles 37 and 86 of the Treaty establishing the European Economic Community to be interpreted as prohibiting, in the field of radio communications and private radio communications, legal provisions like the Law of 30 July 1979 and the Royal Decree of 15 October 1979, which impose penalties of periods of imprisonment and/or fines on persons who have:

1. offered for sale or hire transmitting or receiving apparatus, in this case cordless telephones, without prior approval thereof by the RTT, or
2. held, set up or operated transmitters, in this case cordless telephones and a pair of walkie-talkies, without obtaining the competent Minister's personal and revocable authorization in writing?

Reference for a preliminary ruling by the Tribunal de Commerce de Bruxelles by judgment of that court of 15 February 1990 in the case of Etablissements Delhaize et Compagnie Le Lion SA v. Promalvin SA and AGE Bodegas Unidas SA

(Case C-47/90)

(90/C 85/13)

Reference has been made to the Court of Justice of the European Communities by judgment of the Tribunal de Commerce [Commercial Court], Brussels, of 15 February 1990, which was received at the Court Registry on 2 March 1990, for a preliminary ruling in the case of Etablissements Delhaize et Compagnie Le Lion SA v. Promalvin SA and AGE Bodegas Unidas SA, a company incorporated under Spanish law on the following questions:

1. does national legislation such as Spanish Royal Decree No 157/88 of 24 February 1988 and the regulation of the Governing Council of the 'Rioja' designation of origin adopted in implementation of that decree constitute a measure having an effect equi-