

# COURT OF JUSTICE

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### JUDGMENT OF THE COURT

(First Chamber)

of 3 October 1990

in **Joined Cases C-54/88, C-91/88 and C-14/89** (reference for a preliminary ruling made by the Preture di Conegliano (Case C-54/88), Prato (Case C-91/88) and Pisa (Case C-14/89)): **Criminal proceedings against Eleonora Nino and others** <sup>(1)</sup>

*(Freedom of establishment: exercise of paramedical professions — biotherapy and pranotherapy)*

(90/C 269/09)

*(Language of the case: Italian)*

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

In **Joined Cases C-54/88, C-91/88 and C-14/89**: reference to the Court under Article 177 of the EEC Treaty by the Preture [Magistrate's Courts], Conegliano (Case C-54/88), Prato (Case C-91/88) and Pisa (Case C-14/89) for a preliminary ruling in the criminal proceedings pending before those courts against Eleonora Nino (Case C-54/88), Rinaldo Prandini and Bruna Goti (Case C-91/88) and Pier Cesare Pierini (Case C-14/89) — on the interpretation of Articles 5, 52 and 57 of the EEC Treaty and the general programme for the abolition of restrictions on freedom of establishment of 18 December 1961 <sup>(2)</sup> — the Court (First Chamber), composed of Sir Gordon Slynn, President of the Chamber, R. Joliet and G. C. Rodríguez Iglesias, Judges; M. Darmon, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 3 October 1990, the operative part of which is as follows:

*The provisions of the EEC Treaty on freedom of establishment do not apply to purely internal situations in a Member State such as a situation where the nationals of a Member State engage within its territory in a self-employed activity in respect of which they cannot rely on any previous training or experience acquired in another Member State.*

<sup>(1)</sup> OJ No C 74, 22. 3. 1988.

OJ No C 100, 15. 4. 1988.

OJ No C 45, 24. 2. 1989.

<sup>(2)</sup> OJ No 2, 15. 1. 1962, p. 36/62.

**Action brought on 23 August 1990 by Pesquerías de Bermeo SA against the Commission of the European Communities**

(Case C-258/90)

(90/C 269/10)

An action against the Commission of the European Communities was brought before the Court of Justice on 23 August 1990 by Pesquerías de Bermeo SA, represented by Antonio Ferrer López, of the Vizcaya Bar, with an address for service in Luxembourg at the Chambers of Ernest Arendt, Arendt & Harles, 4 avenue Marie-Thérèse.

The applicant claims that the Court should:

- admit the application challenging the decision of the Commission of 6 June 1990 whereby it refused Pesquerías Bermeo SA financial aid pursuant to Council Regulation (EEC) No 4028/86 <sup>(1)</sup> for an experimental fishing project in the south-west Atlantic Ocean,
- declare void the aforesaid decision of the Commission of 6 June 1990 on the grounds that, by virtue of Articles 173, 174, 189 and 190 of the EEC Treaty and in breach of Community law, it is vitiated by a misuse of powers and infringes essential procedural requirements, and also disregards the order of precedence of legislation, is inadequate in its statement of reasons and shows other legal defects; the Court should declare that the applicant company is entitled to receive the Community aid refused by that decision, amounting to Pta 43 931 000, pursuant to Article 15 (1) of Council Regulation (EEC) No 4028/86,
- declare, in accordance with Articles 176, 178 and 215 of the EEC Treaty, that the applicant company is entitled to compensation for the damage and loss sustained by it owing to the late and unwarranted adoption of the decision of the Commission dated

<sup>(1)</sup> OJ No L 376, 31. 12. 1986, p. 7.