

COURT OF JUSTICE

JUDGMENT OF THE COURT

(Fifth Chamber)

of 13 November 1990

in Case C-331/88, (reference for a preliminary ruling made by the High Court of Justice, Queen's Bench Division): the Queen v. the Minister of Agriculture, Fisheries and Food, and the Secretary of State for Health, *ex parte* Fédération européenne de la santé animale and Others ⁽¹⁾

(Substances having a hormonal action — Validity of Directive 88/146/EEC)

(90/C 306/05)

(Language of the case: English)

In Case C-331/88: reference to the Court under Article 177 of the EEC Treaty by the High Court of Justice, Queen's Bench Division, for a preliminary ruling in the proceedings pending before that court between the Queen and the Minister of Agriculture, Fisheries and Food and the Secretary of State for Health, *ex parte* Fédération européenne de la santé animale (Fedesa), Pitman-Moore, Inc., Distrivet SA, Hoechst (UK) Limited, National Office of Animal Health Limited, Donald Leslie Haxby and Robert Sleightholme — on the interpretation of Articles 7 and 40 (3) of the EEC Treaty and on the validity of Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action ⁽²⁾ — the Court (Fifth Chamber), composed of J. C. Moitinho de Almeida, President of the Chamber, G. C. Rodríguez Iglesias, Sir Gordon Slynn, R. Joliet and M. Zuleeg, Judges; J. Mischo, Advocate-General; D. Louterman, Principal Administrator, for the Registrar, gave a judgment on 13 November 1990, the operative part of which is as follows:

Examination of the questions raised has disclosed no factor of such a nature as to affect the validity of Council Directive 88/146/EEC of 7 March 1988 prohibiting the use in livestock farming of certain substances having a hormonal action.

⁽¹⁾ OJ No C 328, 21. 12. 1988.

⁽²⁾ OJ No L 70, 16. 3. 1988, p. 16.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 13 November 1990

in Case C-370/88 (reference for a preliminary ruling made by the High Court of Justiciary (Scotland)): Procurator Fiscal v. Andrew Marshall ⁽¹⁾

(Discrimination — National measure for the conservation of fishery resources)

(90/C 306/06)

(Language of the case: English)

In Case C-370/88: reference to the Court under Article 177 of the EEC Treaty by the High Court of Justiciary (Scotland) for a preliminary ruling in the proceedings pending before that court between The Procurator Fiscal, Stranraer, and Andrew Marshall on the interpretation of Articles 7 and 40 (3) of the EEC Treaty and on the validity and interpretation of Article 19 of Council Regulation (EEC) No 171/83 of 25 January 1983 laying down certain technical measures for the conservation of fishery resources ⁽²⁾ — the Court (Fifth Chamber), composed of J. C. Moitinho de Almeida, President of the Chamber, Sir Gordon Slynn, R. Joliet, F. Grévisse and M. Zuleeg, Judges; G. Tesauro, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 13 November 1990, the operative part of which is as follows:

1. *Consideration of the question referred has disclosed no factor of such a kind as to affect the validity of Article 19 of Council Regulation (EEC) No 171/83.*
2. *A national measure such as the order in question comes within the scope of Article 19 (2) of Council Regulation (EEC) No 171/83.*
3. *Neither Article 7 or 40 (3) of the Treaty nor the fundamental principles of Community law prevent a Member State from prohibiting the carriage of a particular type of net on all vessels registered in that State while they are in waters adjacent to its coast.*

⁽¹⁾ OJ No C 26, 1. 2. 1989.

⁽²⁾ OJ No L 24, 27. 1. 1983, p. 14.