

under Article 12 (b) of the protocol such officials are exempted from those formalities'.

**Reference for a preliminary ruling by the Raad van State by interlocutory judgment of that court of 11 May 1992 in the case of TV 10 SA v. Commissariaat voor de Media**

(Case C-23/93)

(93/C 54/06)

Reference has been made to the Court of Justice of the European Communities by an interlocutory judgment of the Raad van State (Council of State) of 11 May 1992, which was received at the Court Registry on 26 January 1993, for a preliminary ruling in the case of TV 10 SA against the Commissariaat voor de Media on the following questions:

1. Where a broadcaster not eligible for access to the cable network in Member State A transmits material from Member State B with the manifest purpose, as shown by objective circumstances, of thereby evading the legislation of the Member State to which the material is primarily but not exclusively transmitted, is that a case of cross-border provision of services for the purposes of Community law?
2. Are restrictions imposed by the receiving Member States on the provision of the services described in Question 1 whereby a broadcaster is regarded as a domestic organization despite the fact that it has chosen to establish itself in another Member State and is therefore denied access for its programmes to the national cable network if they do not comply with the provisions regarding such access applicable to domestic broadcasters — relying on the fact that the broadcaster established in another Member State is seeking to evade the legislation of the receiving Member State designed to maintain the pluralist and non-commercial character of national broadcasting — compatible with Community law, having regard *inter alia* to Articles 10 and 14 of the European Convention on the Protection of Human Rights and Fundamental Freedoms?

**Action brought on 1 February 1993 by Jean Trelhu against the Council of the European Communities and the Commission of the European Communities**

(Case C-27/93)

(93/C 54/07)

An action against the Council of the European Communities and the Commission of the European

Communities was brought before the Court of Justice of the European Communities on 1 February 1993 by Jean Trelhu, represented by Richard Le Roy, of the Brest Bar.

The applicant claims that the Court should:

- give judgment against the Council and the Commission jointly and severally, or one of them,
- award him the sum of FF 201 201, which corresponds to his loss, calculated in litres, of the reference quantity for milk from 1983 to 1991, at a price per litre fixed at FF 0,8132 (price per litre for the quantities frozen on 23 September 1992),
- in addition, award him a lump sum of FF 50 000 corresponding to the material and non-material damage suffered by him as a result of the refusal to allocate him a quota since 1983,
- award the sum of FF 30 000 by way of costs.

*Pleas in law and main arguments adduced in support:*

The applicant, who had received a premium for the non-marketing of milk for the period 1978 to 1982, took up other activities in 1983 in compliance with Community recommendations. When the Council adopted Regulation (EEC) No 857/84 <sup>(1)</sup> introducing the 'milk quota' system, the applicant was denied any opportunity to resume milk production, since the period in which he provisionally ceased marketing corresponded to the reference period laid down.

The applicant considers that he is essentially in the same situation as the applicants in Joined Cases C-104/89 and C-37/90 and relies on the judgment of the Court in those cases <sup>(2)</sup>.

<sup>(1)</sup> OJ No L 90, 1. 4. 1984, p. 13.

<sup>(2)</sup> Judgment of 19 May 1992 (OJ No C 152, 17. 6. 1992, p. 16).

**Removal from the Register of Case C-342/92 <sup>(1)</sup>**

(93/C 54/08)

By order of 27 January 1993 the President of the Court of Justice of the European Communities ordered the removal from the Register of Case C-342/92: Ireland v. Commission of the European Communities.

<sup>(1)</sup> OJ No C 246, 24. 9. 1992.