

Reference for a preliminary ruling by the Sø- og Handelsret, Copenhagen, by order of that court of 22 October 1991 in the case of Danske Mejeriers Fællesorganisation v. Kraft Foods A/S

(Case C-53/93)

(93/C 91/10)

Reference has been made to the Court of Justice of the European Communities by an order of the Sø- og Handelsret [Maritime and Commercial Court], which was received at the Court Registry on 1 March 1993, for a preliminary ruling in the case of Danske Mejeriers Fællesorganisation v. Kraft Foods A/S on the following questions:

1. Should the reference to 'composite products' in Article 2 (3) of Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in marketing of milk and milk⁽¹⁾ products be construed as referring to products which are basically milk products but to which other ingredients are subsequently added (for example yoghurt to which strawberries are added) and to other foodstuffs in which a milk product is an essential part, either in terms of quantity or for characterization given by the milk product to foodstuffs, for example, taste, colour or consistency?
2. Is there compliance with the condition in Article 2 (3) of the Regulation — 'of which no part takes or is intended to take the place of any milk constituent' — if the composite product has a fat constituent which does not originate from milk or milk products?
3. Pursuant to Article 2 (3) at which point — at the time of manufacture or of sale — should a composite product satisfy the technical requirements which might be laid down in national legislation for use of the designation of the milk product in question?
4. Should the exemption laid down in the second subparagraph of Article 3 (1) be construed as solely covering products other than milk products (see Article 2 (2)) and composite products (see Article 2 (3))?
5. Is it prohibited to use a product designation which contains a drinking milk or milk product designation and is not covered by the list of products referred to

⁽¹⁾ OJ No L 182, 3. 7. 1987, p. 36.

in the second subparagraph of Article 3 (1) (see Article 4) if the product is not a milk or composite product (see Article 2 (2) and (3))?

6. If question 5 is answered in the negative, the Court is requested to reply to the following question:

Is the second subparagraph of Article 3 (1) of the Regulation applicable to a salad dressing the basis of which is not a milk product but to which crème fraîche or yoghurt is added?

7. Does the Regulation prevent national law from reserving the designations crème fraîche and yoghurt for milk products which are fermented and contain a certain number of micro-organisms capable of growth at the time of sale?

Reference for a preliminary ruling by the Tribunal du Travail by judgment of that court of 24 February 1993 in the case of Zoubir Yousfi v. Belgian State, in the person of the Minister for Social Integration, Public Health and the Handicapped

(Case C-58/93)

(93/C 91/11)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Tribunal du Travail [Labour Court], Brussels, of 24 February 1993, which was received at the Court Registry on 5 March 1993, for a preliminary ruling in the case of Zoubir Yousfi v. Belgian State, in the person of the Minister for Social Integration, Public Health and the Handicapped, on the following questions:

1. Does the Belgian legislation relating to disability benefits (Law of 27 February 1987) fall within the material scope of Article 41 (1) of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco, signed in Rabat on 27 April 1976 and concluded on behalf of the Community by Regulation (EEC) No 2211/78⁽¹⁾?
2. If so, are those provisions directly applicable in national law?

⁽¹⁾ OJ No L 264, 27. 9. 1978, p. 1.