

- by failing to establish a procedure for examining qualifications acquired by a Community national who holds a diploma as tourist guide or guide-interpreter issued in another Member State and comparing them with those required by Spain,
- by making the provision of services by tourist guides travelling with a group of tourists from another Member State, where those services consist in guiding such tourists in places other than museums or historical monuments which may be visited only with a specialized professional guide, subject to possession of a licence which requires specific training evidenced by a diploma, and
- by failing to provide to the Commission the information requested concerning the regulations of the Autonomous Communities regarding the activities of tourist guide and guide-interpreter,

*the Kingdom of Spain has failed to fulfil its obligations under Articles 48, 52, 59 and 5 of the EEC Treaty;*

2. *the Kingdom of Spain is ordered to pay the costs.*

<sup>(1)</sup> OJ No C 324, 10. 12. 1992.

#### JUDGMENT OF THE COURT

of 23 March 1994

in Case C-268/93: Commission of the European Communities v. Kingdom of Spain <sup>(1)</sup>

*(Failure of a Member State to fulfil obligations — Failure to implement a directive)*

(94/C 120/07)

*(Language of the case: Spanish)*

*(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-268/93: Commission of the European Communities (Agents: Blanca Rodriguez Galindo) against the Kingdom of Spain (Agents: Alberto Navarro González and Miguel Bravo-Ferrer Delgado, Abogado del Estado) — application for a declaration that by failing to give notice to the Commission of the laws, regulations and administrative provisions needed to give effect to Council Directive 88/320/EEC of 9 June 1988 on the inspection and verification of Good Laboratory Practice (GLP) <sup>(2)</sup>, or by failing to adopt the measures needed to give effect to it, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty — the Court, composed of: G. F. Mancini,

President of Chamber, acting as President, J. C. Moitinho de Almeida and D. A. O. Edward (Presidents of Chambers), R. Joliet, F. A. Schockweiler, G. C. Rodriguez Iglesias, F. Grévisse, M. Zuleeg (Rapporteur) and J. L. Murray, Judges; M. Darmon, Advocate-General; R. Grass, Registrar, gave a judgment on 23 March 1994, the operative part of which is as follows:

1. *by failing to adopt within the time allowed all the laws, regulations and administrative provisions needed to give effect to Council Directive 88/320/EEC of 9 June 1988 on the inspection and verification of Good Laboratory Practice, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty;*
2. *the Kingdom of Spain is ordered to pay the costs.*

<sup>(1)</sup> OJ No C 153, 4. 6. 1993.

<sup>(2)</sup> OJ No L 145, 11. 6. 1988, p. 35.

#### JUDGMENT OF THE COURT

of 24 March 1994

in Case C-2/92 (reference for a preliminary ruling made by the High Court of Justice, Queen's Bench Division): The Queen v. Ministry of Agriculture, Fisheries and Food, *ex parte* Dennis Clifford Bostock <sup>(1)</sup>

*(Additional levy on milk — Expiry of a lease of a holding — Transfer of the reference quantity to the landlord — No obligation to compensate the outgoing tenant)*

(94/C 120/08)

*(Language of the case: English)*

In Case C-2/92: 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 Ministry of Agriculture, fisheries and Food, *ex parte* Dennis Clifford Bostock — on the interpretation of the Community rules on the system of additional levies on milk established by Council Regulation (EEC) No 856/84 of 31 March 1984 amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products <sup>(2)</sup>, Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector <sup>(3)</sup> and Commission Regulation (EEC) No 1371/84 of 16 May 1984 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68 <sup>(4)</sup>, and of the general principles of Community law — the Court,

composed of: O. Due, President, G. F. Mancini, J. C. Moitinho de Almeida and D. A. O. Edward (Presidents of Chambers), R. Joliet, F. Grévisse, M. Zuleeg (Rapporteur), P. J. G. Kapteyn and J. L. Murray, Judges; C. Gulmann, Advocate-General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, gave a judgment on 24 March 1994, the operative part of which is as follows:

*the Community rules on the system of additional levies on milk established by Council Regulation (EEC) No 856/84 of 31 March 1984 amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products, Council Regulation (EEC) No 857/84 of 31 March 1984 adopting general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No 804/68 in the milk and milk products sector, Commission Regulation (EEC) No 1371/84 of 16 May 1984 laying down detailed rules for the application of the additional levy referred to in Article 5c of Regulation (EEC) No 804/68, and the general principles of Community law do not require a Member State to introduce a scheme for compensation of the outgoing lessee by the lessor or confer directly on the lessee a right to such compensation in respect of a reference quantity transferred to the lessor on the expiry of a lease.*

Hewlett, Administrator, for the Registrar, gave a judgment on 24 March 1994, the operative part of which is as follows:

1. *the importation of lottery advertisements and tickets into a Member State with a view to the participation by residents of that State in a lottery operated in another Member State relates to a 'service' within the meaning of Article 60 of the Treaty and accordingly falls within the scope of Article 59 of the Treaty;*
2. *national legislation which, like the United Kingdom legislation on lotteries, prohibits, subject to specified exceptions, the holding of lotteries in a Member State is an obstacle to the freedom to provide services;*
3. *the Treaty provisions relating to freedom to provide services do not preclude legislation such as the United Kingdom lotteries legislation, in view of the concerns of social policy and of the prevention of fraud which justify it.*

(<sup>1</sup>) OJ No C 187, 24. 7. 1992.

(<sup>1</sup>) OJ No C 33, 11. 2. 1992.

(<sup>2</sup>) OJ No L 90, 1. 4. 1984, p. 10.

(<sup>3</sup>) OJ No L 90, 1. 4. 1984, p. 13.

(<sup>4</sup>) OJ No L 132, 18. 5. 1984, p. 11.

#### JUDGMENT OF THE COURT

of 24 March 1994

in Case C-275/92 (reference for a preliminary ruling from the High Court of Justice of England and Wales, Queen's Bench Division): Her Majesty's Customs and Excise v. Gerhart Schindler and Jörg Schindler (<sup>1</sup>)

(*Lotteries*)

(94/C 120/09)

(*Language of the case: English*)

In Case C-275/92: reference to the Court under Article 177 of the EEC Treaty from the High Court of Justice of England and Wales (Queen's Bench Division) for a preliminary ruling in the proceedings pending before that court between Her Majesty's Customs and Excise and Gerhart Schindler and Jörg Schindler — on the interpretation of Articles 30, 36, 56 and 59 of the EEC Treaty — the Court, composed of: O. Due, President, G. F. Mancini, J. C. Moitinho de Almeida and M. Díez de Velasco, Presidents of Chambers, C. N. Kakouris, F. A. Schockweiler, P. J. G. Kapteyn and J. L. Murray, Judges; C. Gulmann, Advocate-General; L.

#### JUDGMENT OF THE COURT

(Third Chamber)

of 24 March 1994

in Case C-71/93 (reference for a preliminary ruling from the Arbeidshof, Ghent): Guido Van Poucke v. Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen and Algemene Sociale Kas voor Zelfstandigen (<sup>1</sup>)

(*Social security for migrant workers — Determination of the legislation applicable*)

(94/C 120/10)

(*Language of the case: Dutch*)

(*Provisional translation; the definitive translation will be published in the European Court Reports*)

In Case C-71/93: reference to the Court under Article 177 of the EEC Treaty by the Arbeidshof (Higher Labour Court), Ghent (Belgium), for a preliminary ruling in the proceedings pending before that court between Guido Van Poucke and (1) Rijksinstituut voor de Sociale Verzekeringen der Zelfstandigen and (2) Algemene Sociale Kas voor Zelfstandigen on the interpretation of Articles 1, 2, 13 and 14c of Regulation No 1408/71 (EEC) of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, in