COURT OF JUSTICE

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ORDER OF THE COURT

of 26 April 1993

in Case C-386/92 (reference for a preliminary ruling from the Juge-Commissaire appointed to wind up Monin Automobiles — Maison du Deux Roues in the Tribunal de Commerce, Romans): Monin Automobiles — Maison du Deux Roues (1)

(Inadmissibility)

(93/C 178/06)

(Language of the case: French)

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

In Case C-386/92, reference to the Court pursuant to Article 177 of the EEC Treaty by the Juge-Commissaire (Judge in Insolvency Proceedings) appointed to wind up Monin Automobiles — Maison du Deux Roues (hereinafter referred to as 'Monin') in the Tribunal de Commerce (Commercial Court), Romans, for a preliminary ruling on the interpretation of Articles 30 and 85 of the EEC Treaty, the Court, composed of: O. Due, President, C. N. Kakouris, G. C. Rodríguez Iglesias, M. Zuleeg and J. L. Murray (Presidents of Chambers), G. F. Mancini, R. Joliet, F. A. Schockweiler and J. C. Moitinho de Almeida, F. Grévisse and M. Díez de Velasco, P. J. G. Kapteyn and D. A. O. Edward, Judges; C. O. Lenz, Advocate-General; J.-G. Giraud, Registrar, made an order on 26 April 1993, the operative part of which is as follows:

having regard to the questions submitted to the Court by order dated 14 October 1992 of the Juge-Commissaire appointed to wind up Monin, the request for a preliminary ruling is inadmissible.

(1) OJ No C 310, 27. 11. 1992.

Reference for a preliminary ruling by the Arbeitsgericht Bremen by order of that court of 5 May 1993 in the case of Edith Freers and Hannelore Speckmann v. Deutsche Bundespost

(Case C-278/93)

(93/C 178/07)

Reference has been made to the Court of Justice of the European Communities by order of the Arbeitsgericht (Labour Court) Bremen (Seventh Chamber) of 5 May 1993, which was received at the Court Registry on 14 May 1993, for a preliminary ruling in the case of Edith Freers and Hannelore Speckmann v. Deutsche Bundespost (German postal authority) on the following questions:

1. Does the economic compensation accorded to a male or female employee in respect of work on a statutorily established employee representation body constitute pay within the meaning of the European provisions on equal pay for men and women (Article 119 of the EEC Treaty and Council Directive 75/117/EEC of 10 February 1975) (1)?

2. If the answer to question 1 is yes:

   Does the fact that under national law work on an employee representation body is unpaid, being governed essentially by the loss-of-pay principle (Lohnausfallprinzip), constitute an objective ground for unequal treatment which is in no way connected with discrimination against women?

3. If the answer to question 2 is no:

   Is it an objective ground for unequal treatment of this kind that whereas part-time employees continue to receive pay in respect of their attendance at an all-day training course only in accordance with their part-time working hours, employees who normally work overtime are paid for that overtime even if the duration of the training course corresponds to that of the normal working day?

(1) OJ No L 45, 19. 2. 1975, p. 19.

Reference for a preliminary ruling by the Oberlandesgericht, Frankfurt am Main, by order of that court of 10 June 1992 in the case of Norbert Lieber v. Willi S. Göbel and Siegrid Göbel

(Case C-292/93)

(93/C 178/08)

Reference has been made to the Court of Justice of the European Communities by an order of the 19th Civil

Senate of the Oberlandesgericht (Higher Regional Court), Frankfurt am Main, of 10 June 1992, which was received at the Court Registry on 19 May 1993, for a preliminary ruling in the case of Norbert Lieber v. Willi S. Göbel and Siegrid Göbel on the following question:

Do the matters governed by Article 16 (1) of the Convention on jurisdiction and the enforcement of judgments in civil and commercial matters also cover questions of compensation for use made of a dwelling after a failed property transfer?

Reference for a preliminary ruling by the Gerechtshof, The Hague, by a judgment of that court of 19 May 1993 in the case of Etienne Debouche v. Inspecteur der Invoerrechten en Accijnzen, Rijswijk

(Case C-302/93)

(93/C 178/09)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Gerechtshof (Regional Court of Appeal), The Hague, of 19 May 1993, which was received at the Court Registry on 1 June 1993, for a preliminary ruling in the case of E. Debouche, of Dour, Belgium, v. Inspecteur der Invoerrechten en Accijnzen (Inspector of Import and Excise Duties), on the following question:

How must the provisions of the Sixth Directive in conjunction with those of the Eighth Directive (1) (mentioned specifically at . . .) be interpreted in order to assess the claim for the refund of turnover tax (2) more particularly described . . .?

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(1) Article 3 (a) and the first paragraph of Article 5 of the Eighth Council Directive 79/1072/EEC of 6 December 1979 on the harmonization of the laws of the Member States relating to turnover taxes — arrangements for the refund of value added tax to taxable persons not established in the territory of the country (OJ No L 331, 27. 12. 1979, p. 11), in conjunction with Article 17 (2) (a) and (3) (a) of the Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — common system of value added tax: uniform basis of assessment (OJ No L 145, 13. 6. 1977, p. 1).

(2) Claim lodged by an advocate established in Belgium, whose activities in Belgium are exempt from turnover tax, for the refund of Netherlands turnover tax paid in the present case in respect of a car leased in the Netherlands which he used exclusively in Belgium in connection with his activities as an advocate.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 8 June 1993

in Case T-50/92: Gilberto Fiorani v. European Parliament (1)

(Official — Transfer/reassignment — Departmental organization measure — Covert disciplinary sanction — Act adversely affecting an official)

(93/C 178/10)

(Language of the case: French)

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

In Case T-50/92: Gilberto Fiorani, an official of the European Parliament, residing in Munsbach (Luxembourg), represented by Jean-Noël Louis of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Fiduciaire Myson, 1 rue Glesener v. European Parliament (Agents: Jorg Campinos and Jannis Pantalis), — application for annulment of the memorandum of 15 October 1991 by which the applicant was 'transferred' from the 'mail sorting' department to the 'messengers' department and in so far as is necessary the decision of 24 March 1992 rejecting the applicant's complaint as well as damages for the non-material harm allegedly suffered by the applicant — the Court of First Instance (Fourth Chamber), composed of C. W. Bellamy, President of the Chamber, H. Kirschner and A. Saggio, Judges; H. Jung, Registrar, gave a judgment on 8 June 1993, the operative part of which is as follows:

1. *The application is dismissed as inadmissible;*

2. *The parties are ordered to bear their own costs.*

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(1) OJ No C 189, 28. 7. 1992.