

JUDGMENT OF THE COURT

(Sixth Chamber)

of 13 July 1994

in Case C-131/93, Commission of the European Communities v. Federal Republic of Germany ⁽¹⁾

(Free movement of goods — Prohibition of importation of live freshwater crayfish)

(94/C 233/15)

(Language of the case: German)

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

In Case C-131/93: Commission of the European Communities (Agents: J. L. Iglesias Buhigues and A. Bardenhewer) v. Federal Republic of Germany (Agent: E. Röder) — application for a declaration that by prohibiting imports of live European freshwater crayfish from Member States or from non-member countries in free circulation in other Member States, in so far as they are not for the purpose of research and teaching, the Federal Republic of Germany had failed to fulfil its obligations under Articles 30 and 36 of the EEC Treaty — the Court (Sixth Chamber), composed of G. F. Mancini, President of the Chamber, C. N. Kakouris, F. A. Schockweiler (Rapporteur), P. J. G. Kapteyn and J. L. Murray, Judges; W. Van Gerven, Advocate-General; R. Grass, Registrar, gave a judgment on 13 July 1994, the operative part of which is as follows:

1. *by prohibiting imports of European species of live freshwater crayfish from Member States or non-member countries in free circulation in other Member States in so far as they are not for the purpose of research and teaching, the Federal Republic of Germany has failed to fulfil its obligations under Articles 30 and 36 of the EEC Treaty;*
2. *the Federal Republic of Germany is ordered to pay the costs.*

⁽¹⁾ OJ No C 135, 14. 5. 1993.

JUDGMENT OF THE COURT

of 14 July 1994

in Case C-91/92 (reference for a preliminary ruling from the Giudice Conciliatore di Firenze): Paola Faccini Dori v. Recreb Srl ⁽¹⁾

(Consumer protection in the case of contracts negotiated away from business premises — Availability in disputes between private individuals)

(94/C 233/16)

(Language of the case: Italian)

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

In Case C-91/92: reference to the Court under Article 177 of the EEC Treaty by the Giudice Conciliatore di Firenze

(Judge-Conciliator, Florence), Italy, for a preliminary ruling in the proceedings pending before that court between Paola Faccini Dori and Recreb Srl on the interpretation of Council Directive 85/577/EEC of 20 December 1985 concerning protection of the consumer in respect of contracts negotiated away from business premises ⁽²⁾ — the Court, composed of O. Due, President, G. F. Mancini, J. C. Moitinho de Almeida, M. Díez de Velasco and D. A. O. Edward (Presidents of Chambers), C. N. Kakouris, R. Joliet (Rapporteur), F. A. Schockweiler, G. C. Rodríguez Iglesias, F. Grévisse, M. Zuleeg, P. J. G. Kapteyn and J. L. Murray, Judges; C. O. Lenz, Advocate-General; H. von Holstein, Deputy Registrar, gave a judgment on 14 July 1994, the operative part of which is as follows:

1. *Articles 1 (1), 2 and 5 of Council Directive 85/577/EEC of 20 December 1985, concerning protection of the consumer in respect of contracts negotiated away from business premises, are unconditional and sufficiently precise as regards determination of the persons for whose benefit they were adopted and the minimum period within which notice of cancellation must be given;*
2. *in the absence of measures transposing Directive 85/577/EEC within the prescribed time limit, consumers cannot derive from the Directive itself a right of cancellation as against traders with whom they have concluded a contract or enforce such a right in a national court. However, when applying provisions of national law, whether adopted before or after the Directive, the national court must interpret them as far as possible in the light of the wording and purpose of the Directive.*

⁽¹⁾ OJ No C 107, 28. 4. 1992.

⁽²⁾ OJ No L 372, 31. 12. 1985, p. 31.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 14 July 1994

in Case C-351/92: (reference for a preliminary ruling made by the Finanzgericht Düsseldorf): Manfred Graff v. Hauptzollamt Köln-Rheinau ⁽¹⁾

(Additional levy on milk — Calculation of the reference quantity — Taking account of a quantity produced in another Member State)

(94/C 233/17)

(Language of the case: German)

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

In Case C-351/92: reference to the Court under Article 177 of the EEC Treaty by the Finanzgericht (Finance Court) Düsseldorf (Germany) for a preliminary ruling in the

proceedings pending before that court between Manfred Graff and Hauptzollamt Köln-Rheinau — on the interpretation and validity of the system of charging an additional levy on milk, as set out in 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 ⁽²⁾ and on 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 ⁽³⁾ — the Court (Fifth Chamber), composed of J. C. Moitinho de Almeida, President of the Chamber, D. A. O. Edward, R. Joliet, G. C. Rodríguez Iglesias and M. Zuleeg (Rapporteur), Judges; W. Van Gerven, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, gave a judgment on 14 July 1994, the operative part of which is as follows:

failure to take account, in determining a reference quantity, of the milk production from a holding taken over and worked together with a holding situated in another Member State is not contrary to the principle of equal treatment and the second subparagraph of Article 40 (3) of the EEC Treaty, if it is only the fact that the holding taken over and worked with the other holding is situated in another Member State which precludes account being taken of it, as would otherwise be the case under national law, resulting in the grant of a higher reference quantity.

⁽¹⁾ OJ No C 300, 17. 11. 1992.

⁽²⁾ OJ No L 90, 1. 4. 1984, p. 10.

⁽³⁾ OJ No L 90, 1. 4. 1984, p. 13.

JUDGMENT OF THE COURT

of 14 July 1994

in Case C-353/92: Hellenic Republic v. Council of the European Union ⁽¹⁾

(Action for annulment — Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops — Obligation to observe a final date for sowing and for lodging an application for a compensatory payment)

(94/C 233/18)

(Language of the case: Greek)

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

In Case C-353/92: Hellenic Republic (Agent: Fokion Georgakopoulos) v. Council of the European Union (Agents: Jean-Paul Jacqué and Sofia Kyriakopoulou), supported by the Commission of the European Communities (Agent: Xenophon A. Yataganas) —

application for the annulment of Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽²⁾ — the Court, composed of: O. Due, President, G. F. Mancini (Rapporteur), D. A. O. Edward (Presidents of Chambers), C. N. Kakouris, R. Joliet, F. A. Schockweiler, G. C. Rodríguez Iglesias, P. J. G. Kapteyn and J. L. Murray, Judges; F. G. Jacobs, Advocate-General; L. Hewlett, Administrator, for the Registrar, gave a judgment on 14 July 1994, the operative part of which is as follows:

1. *the application is dismissed;*
2. *the applicant is ordered to pay the costs and the Commission is ordered to bear its own costs.*

⁽¹⁾ OJ No C 279, 28. 10. 1992.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 12.

JUDGMENT OF THE COURT

of 14 July 1994

in Case C-385/92: Hellemic Republic v. Commission of the European Communities ⁽¹⁾

(Action for annulment — Commission Regulation (EEC) No 2294/92 of 31 July 1992 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92 — Obligation to observe a final date for sowing and for lodging an application for a compensatory payment)

(94/C 233/19)

(Language of the case: Greek)

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

In Case C-385/92: Hellenic Republic (Agent: Fokion Georgakopoulos) v. Commission of the European Communities (Agent: Xenophon A. Yataganas) — application for the annulment of Commission Regulation (EEC) No 2294/92 of 31 July 1992 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92 ⁽²⁾ — the Court, composed of: O. Due, President, G. F. Mancini (Rapporteur), D. A. O. Edward (Presidents of Chambers), C. N. Kakouris, R. Joliet, F. A. Schockweiler, G. C. Rodríguez Iglesias, P. J. G. Kapteyn and J. L. Murray, Judges; F. G. Jacobs, Advocate-General; L. Hewlett, Administrator, for the Registrar, gave a judgment on 14 July 1994, the operative part of which is as follows:

1. *the application is dismissed;*