

produces the same effects and creates the same rights.

(c) The abovementioned provisions require the authorities, and in particular the relevant courts of the Member States, to protect the interests of those persons subject to their jurisdiction who may be affected by any possible infringement of the said provisions, by ensuring for them direct and immediate protection of their interests. However, it is for the national legal system to determine which court of tribunal has jurisdiction to give this protection and, for this purpose, to decide how the individual position thus protected is to be classified.

4. As regards the data for and the methods of calculating 'global quotas', 'total value' and 'national production' within the meaning of paragraph (1) and the first subparagraph of paragraph (2) of

Article 33 of the EEC Treaty, several solutions may be envisaged. Therefore the Member States are left with some discretion concerning their obligations relating to these concepts.

Accordingly, the abovementioned provisions and the last sentence of Article 32 of the EEC Treaty do not apply in a sufficiently precise way to be capable of producing direct effects on the relationships between the Member States and those subject to its jurisdiction.

5. The provisions of Articles 36, 224 and 226 of the EEC Treaty deal with exceptional cases which are clearly defined and which do not lend themselves to any wide interpretation. They cannot therefore be relied upon so as to deny that Article 31 of the Treaty is directly applicable in its effects.

In Case 13/68

Reference to the Court under Article 177 of the EEC Treaty by the Corte d'Appello, Rome, for a preliminary ruling in the action pending before that court between

SPA SALGOIL, in liquidation, Milan,

and

ITALIAN MINISTRY FOR FOREIGN TRADE, Rome,

on the interpretation of Article 30 et seq. of the said Treaty,

THE COURT

composed of: R. Lecourt, President, A. Trabucchi and J. Mertens de Wilmars, Presidents of Chambers, A. M. Donner, W. Strauß (Rapporteur), R. Monaco and P. Pescatore, Judges,

Advocate-General: J. Gand

Registrar: A. Van Houtte

gives the following

JUDGMENT

Issues of fact and of law

I — Facts and procedure

According to the grounds of the order referring the matter, the following facts are at the basis of the action pending before the Corte d'Appello, Rome:

SpA Salgoil had bought a certain quantity of fuller's earth impregnated with fatty substances from the Rohimpag undertaking at Basel. When the first consignments reached the customs office at Genoa, the Italian authorities refused to grant Salgoil an import licence.

Accordingly Salgoil brought an action against the Italian Ministry for Foreign Trade before the Tribunale Civile, Rome, for compensation for the damage allegedly suffered by it as a result of the said refusal. It argued that at the time when the contract with Rohimpag was made the products in question could have been freely imported into Italy and that it was only later (Ministerial Decree of 14 November 1960) that the authorities altered the rules in force for imports and changed them into a system of imports under licence. The defendant ministry argued in its defence that as regards imports the subjective position of an individual created a legitimate interest but not a subjective right and that therefore an ordinary law court had no jurisdiction. As against this Salgoil asserted that Articles 31 et seq. of the EEC Treaty had been infringed because the goods came from Member States and were on the consolidated lists of liberalized products supplied by Italy to the former Commission of the EEC pursuant to the second paragraph of Article 31.

In its judgment of 30 June–6 October 1966, the Tribunale Civile accepted the above-mentioned defence and declared that it had no jurisdiction. As regards the EEC provisions cited, the Tribunale Civile took the view that these did not alter the situation resulting from Italian law; in fact, it is only occasionally and indirectly that they might give rise to individual legal situations creating interests coinciding with the essential interests of the States themselves.

Salgoil appealed against this judgment to the Corte d'Appello, Rome, arguing in particular that Articles 30 et seq. of the EEC Treaty directly conferred subjective rights on nationals of Member States and not mere legitimate interests.

By order dated 9 July 1968 the Corte d'Appello decided to ask the Court of Justice of the European Communities:

- '(a) to determine whether the provisions of Articles 30 et seq. of the Treaty, especially Article 31, also produce effects on the relationship between a Member State and its nationals;
- (b) if the answer is in the affirmative, to consider the nature of this legal protection thus granted to the subjective position of an individual as regards the State; that is to say, to consider whether the legislative provisions in question grant direct and immediate protection to the private interests of an individual, excluding all discretion on the part of the State, acting as a public administration, to go against this interest, or whether, on the contrary, these provisions, in correlation in particular with the provisions of Article 36, 224 and 226 of the Treaty, are only intended to grant immediate protection to the public interests of the Member States with reference to Community law and whether, therefore, they are intended to ensure, primarily, directly and solely that their administrative activity is in line with these interests, so that it must be recognized that, on the one hand, each Member State retains the power as regards its nationals to introduce restrictions on imports and, on the other hand, still taking into consideration the public interests of the State and not the private interests of individuals, that the provisions in question are directed only at the legal exercise of this power and not at its existence.'

The request of the Corte d'Appello, Rome, was received at the Court Registry on 11

July 1968. Salgoil, the Italian Ministry for Foreign Trade and the Commission of the European Communities submitted written observations pursuant to Article 20 of the Protocol on the Statute of the Court of Justice of the EEC.

At the hearing in open court on 24 October, the parties to the main action, mentioned above, and the Commission presented oral argument.

Salgoil was represented by Filippo Biamonti and Nicola Catalano, of Rome, the Ministry of Foreign Trade by Dr Pietro Peronaci, Deputy State Advocate-General and the Commission by Dr René-Christian Beraud, Legal Adviser in the Legal Department, acting as Agent, assisted by Dr Sergio Ventura, Principal Administrator in the same department, acting as Adviser.

The Advocate-General delivered his opinion at the hearing on 14 November 1968.

II — Summary of the observations submitted under Article 20 of the Statute

The observations presented under Article 20 of the Protocol on the Statute of the Court of Justice of the EEC may be summarized as follows:

1. Preliminary observations

A — *SpA Salgoil* argues in particular as follows:

- (a) The contract which it had made with Rohimpag made provision for the delivery of products from 'countries of the European Common Market and/or the OEEC'. Thus it cannot be denied that the contract also concerns goods from Member States of the EEC.
- (b) In October 1960:
 - Salgoil paid Rohimpag half the purchase price;
 - Rohimpag sent Salgoil the first consignments of the purchased product.
 During this month the importation of the products in question was not made subject by the Italian authorities either to quantitative restrictions or to the grant of a licence. Nor would such importation have been so restricted at the

respective dates of the signing and of the entry into force of the EEC Treaty. Furthermore the products in question should be considered as included in the list of liberalized products to be supplied to the Commission pursuant to the second paragraph of Article 31 of the Treaty.

- (c) While the contract was being carried out the Ministerial Decree of 14 November 1960 was made. This made the importation of the products in question subject to the grant of an import licence. For the reasons given above this measure infringed Articles 30 and 31 of the Treaty.
- (d) As the customs office at Genoa refused to grant customs clearance to the first consignments of the purchased products, Salgoil appealed to the Ministry for Foreign Trade. By letter dated 23 May 1961 the Ministry gave a negative reply, and at the same time refused to grant the import licence.

B — The *Italian Ministry for Foreign Trade*, for its part, sets out the facts of the case.

C — The *Commission* makes the following observations in particular:

- (a) The Ministerial Decree of 14 November 1960 was made under Law No 1407 of 13 November 1960, Article 7 of which prohibits, *inter alia*, the importation of the product in question 'in so far as compliance with international agreements permits'. Furthermore, a circular of the Ministry of Finance dated 7 February 1961 stated that the said product could be imported only from the countries of the EEC, and up to annual global quotas. The letter of 23 May 1961 stated that this was the case, indicating moreover that under the EEC quota no licence was necessary. 'It does not seem that Salgoil made imports under this quota.'
- (b) The Commission describes the evolution of Italian legislation relating to the products to be taken into consideration in the present case (customs classification; liberal or restrictive measures to which the products grouped under a given tariff heading have been succes-

sively subjected). From this it draws the conclusion that:

- there cannot have been any infringement of Article 31 of the Treaty, because the product in question does not appear in the consolidated lists for which this Article provides;
- furthermore, since the Italian Government has opened a global quota equal to 3% of the national production of this product, the most Salgoil can do is to dispute the amount of that production as calculated by the said government (cf. Article 33(2)).

2. *The jurisdiction of the Court*

A — *Salgoil* does not dispute the jurisdiction of the Court.

B — The *Ministry for Foreign Trade* is of the opinion that:

- for certain reasons of principle (below, (a)), the Court has no jurisdiction to answer the first of the questions put;
- furthermore for certain special reasons (below, (b)), the Court cannot answer the second question.

(a) The questions raised by the *Corte d'Appello*, Rome, are not relevant to the main action, because the products in question did not originate within the Community.

(b) As for Question (b), the *Ministry* first analyses certain concepts and solutions of Italian law, pointing out in particular that the legal protection of 'subjective rights' comes within the jurisdiction of the ordinary law courts, and the protection of 'legitimate interests' comes within that of administrative courts.

Therefore, in asking the Court to 'consider the nature' of any protection thus granted to individuals the *Corte d'Appello* has raised a question of national law. Moreover, this follows from the fact that Question (b) refers to categories depending on the concept of 'legitimate interests'.

C — For the same reason, the *Commission* puts forward certain doubts as to the admissibility of Question (b). However it considers it possible to extract from it an element relating to Community law, namely

the definition of the expression 'individual rights which national courts must protect'.

3. *On Question (a)*

A — *Salgoil* is of the opinion that this question must be answered in the affirmative, mainly for the following reasons:

In previous cases the Court has constantly stated, and it is the prevailing opinion, that the rules of the Treaty directly create rights and obligations for individuals. Furthermore, this finding follows from the fundamental objectives of the Treaty; for the principles of the free movement of goods, of persons, etc., favour the financial interests of individuals more than of Member States. In addition, the public Community interest, which takes precedence over the public interest of each State, requires that such subjective rights be admitted. Finally, the jurisdiction given to the Court by Articles 173, 175 and 177 of the Treaty confirms this interpretation.

More particularly, Articles 30 and 31 of the Treaty have an undeniable effect on the interests of individuals. Furthermore, the intention behind them is indistinguishable from the objectives of other provisions already held by the Court to have direct effect (Articles 12 and 95). Moreover, this unity is shown by Article 3(a).

In its judgment in Case 7/61 of 19 December 1961 (Rec. 1961, pp. 639 et seq.) the Court denied that the States had any discretionary power in the application of Article 31.

It is argued that this provision states a clear and unconditional prohibition, taking the concrete form of a duty to refrain from acting. No action on the part of the national legislature is required for its implementation. Thus the provision lends itself perfectly to the creating of direct effects. Member States have, it is said, no jurisdiction, whether discretionary or binding, to adopt measures contrary to Article 31. This approach is confirmed by Articles 224 and 226, which exclude all unilateral measures on the part of a State.

B — The *Ministry for Foreign Trade* makes the following points in particular:

Articles 30 to 37 of the Treaty lay down rules for a complicated subject and the intervention of the States and of the Com-

munity institutions is necessary for their implementation. Thus the proposition that individuals can invoke them before this intervention has taken place is unacceptable.

The answer would be no different if Articles 30 and 31 were considered alone:

- Article 30 only applies 'without prejudice to the following provisions'. Thus the prohibition which it lays down should be taken together with the application of the said provisions by the States and by the Community.
- As regards Article 31, there would be a danger of provoking differences of opinion between the national court and the Community if it were accepted that the former had jurisdiction to decide in a specific case whether or not a 'quantitative restriction' or a 'measure having equivalent effect' existed before the competent institution of the EEC had given its ruling.

C — *The Commission* argues in particular as follows:

(a) As to Article 30

This provision is of a general nature, and is only given concrete form by Article 31 et seq.; thus it cannot have any direct effect.

(b) As to Article 31

The considerations which led the Court to hold that Article 12 has direct effect also apply to the first paragraph of Article 31. However, this latter provision only produces such an effect as regards the products featuring in the lists mentioned in the second paragraph of the same article, from the time when the lists for which this paragraph provides are supplied.

(c) As to Article 33

(1) Paragraphs (4) et seq. of this article cannot have direct effect, because their application is subject to the intervention of the Community or of the Member States.

(2) As regards paragraphs (1) to (3), the second paragraph of Article 33(2), which provides for a decision by the Commission, obviously cannot have direct effect. As for the other provisions, which require action on the part of the States, it seems at first sight that no discretionary power is left to the latter, and that the concepts of 'global-

ization' and 'national production' are objective in nature. However, experience has shown, as the Commission expounds in detail, that since the initial data and the methods to be used for calculating these figures are not made sufficiently clear, the Treaty leaves a certain margin of discretion to the Member States. As regards, more particularly, the calculation of the national production, the inevitable imperfection of the statistics makes it necessary to fall back on estimates.

In short, the Commission is inclined to accept the direct effect of paragraphs (1) to (3) of Articles 33 'as regards the mechanisms for enlarging the quotas' but 'expresses doubts' as to the direct effect of the provisions relating to the calculation of the 'globalization' of the quotas and to the calculation of national production.

4. *On Question (b)*

A — (a) *Salgoil* first attempts to elucidate the question and to analyse the situation in Italian Law (cf. supra 2, B, (b)).

(b) As to the substance, it repeats certain arguments already used concerning Question (a); furthermore it argues in particular as follows:

Articles 30 and 31 create subjective rights in favour of Italian citizens. This opinion can claim the support of the case-law of the Court, especially the judgment of 5 February 1963 (Case 26/62, *Van Gend en Loos*, [1963] E.C.R. 16) which states that Article 12 of the Treaty 'creates individual rights which national courts must protect'. Furthermore it is obvious that legislation which is immediately applicable creates perfected rights. It would be illogical to say that an individual is directly protected and at the same time allow the State to have a discretionary power over the implementation of the system laid down by the Treaty as regards the same individual.

The above considerations cannot be weakened by Articles 36, 224 and 226 of the Treaty, for these provisions deal with exceptional cases and do not apply to the present case.

B — *The Ministry for Foreign Trade* argues, without prejudice to its assertion that the Court has no jurisdiction over this question,

that, even supposing that individuals were entitled to rely on the articles at issue before the national court, in Italy they could only do so before an administrative court. In fact the said articles, which make provision for the merging of markets, are addressed mainly to the States. Therefore the most that they can give an individual under Italian law is a '*legitimate interest*'.

C — *The Commission* argues in particular as follows:

Since the Court has approved the proposition that individual rights can arise both under provisions laying down a duty to act and under provisions laying down a duty to refrain from acting, the Commission concludes that the distinction between '*legitimate interest*' and '*subjective right*' is alien to Community law.

The Commission refers to the judgment of

the Court of 3 April 1968 (Case 28/67, *Molkerei-Zentrale*, [1968] E.C.R.), according to which:

- arguments 'based on rules of national law cannot prevail over the rules of law laid down by the Treaty';
- the Treaty 'does not restrict the powers of competent national courts to apply, from among the various procedures available under national law, those which are appropriate for the purpose of protecting individual rights conferred by Community law'.

After proceeding to an analysis of Articles 36, 224 and 226 of the Treaty, the Commission concludes that these provisions approve exceptions which are to be strictly construed, and that therefore they cannot be used to deny the direct effect of the rule to which they make exceptions.

Grounds of judgment

By order of 9 July 1968, which reached the Registry of the Court of Justice on 11 July 1968, the Corte d'Appello, Rome, referred, under Article 177 of the Treaty establishing the EEC, two questions on the interpretation of Articles 30 et seq. of the said Treaty.

I — The jurisdiction of the Court

The Italian Ministry for Foreign Trade, the defendant in the main action, alleges that since the court making the reference did not state that the main action concerns trade between Member States, the questions referred are inadmissible as a whole: the said action in fact concerns products originating in third countries.

Article 177 is based on a distinct separation of functions between national courts and tribunals on the one hand and the Court of Justice on the other, and it does not give the Court jurisdiction to take cognizance of the facts of the case, or to criticize the reasons for the reference. Therefore, when a national court or tribunal refers a provision of Community law for interpretation, it is to be supposed that the said court or tribunal considers this interpretation necessary to enable it to give judgment in the action. Thus the Court cannot require the national court or tribunal to state expressly that the provision which appears to that court or tribunal to call for an interpretation is applicable. In so far as the quotation of the provision in question is not incorrect on the face of it, there is a valid reference to the Court. The Court of Justice has no jurisdiction to decide whether one or other of the provisions referred

for an interpretation is applicable to the case at issue; this is a matter for the court making the reference.

Thus the objection raised cannot be upheld.

II — The first question

In its first question the Corte d'Appello, Rome, asks the Court of Justice 'to determine whether the provisions of Article 30 et seq. of the Treaty, especially Article 31, also produce effects on the relationship between a Member State and its nationals'.

In view of the information supplied by the court making the reference, it seems that this question asks only for an interpretation of Articles 30 and 31, the first paragraph and the second sentence of the second paragraph of Article 32, and paragraph (1) and the first subparagraph of paragraph (2) of Article 33.

(a) Article 30 lays down a general prohibition on quantitative restrictions and measures having equivalent effect but states that this is 'without prejudice to the following provisions'.

Amongst these provisions Articles 31, 32 and 33 define the scope of the above-mentioned prohibition on a transitional basis. Since the present case relates to a period during which the said provisions were applicable, there is no need to examine the scope of the prohibition laid down by Article 30 after the expiry of the effects of the articles mentioned.

(b) The first paragraph of Article 31 provides: 'Member States shall refrain from introducing between themselves any new quantitative restrictions or measures having equivalent effect'. The second paragraph of the same article defines the degree of liberalization with reference to which the expression 'new restrictions' must be understood and in so doing it refers to 'decisions of the Council of the Organization for European Economic Cooperation of 14 January 1955'. Furthermore, the said paragraph states that: 'Member States shall supply the Commission, not later than six months after the entry into force of this Treaty, with lists of the products liberalized by them in pursuance of these decisions' and provides that: 'These lists shall be consolidated between Member States'.

Once these lists have been supplied, or at the latest once the time-limit for supplying them has expired, Article 31 contains a clear prohibition, constituting not a duty to act but a duty to refrain from acting. This duty is not accompanied by any reservation whereby its operation depends on a positive measure of national law or on an intervention by the institutions of the Community. The prohibition in Article 31 of its very nature lends itself perfectly to producing direct effects on the legal relation-

ships between Member States and those subject to their jurisdiction. Thus Article 31 creates rights which national courts must protect.

(c) The first paragraph of Article 32 provides: 'In their trade with one another Member States shall refrain from making more restrictive the quotas and measures having equivalent effect existing at the date of the entry into force of this Treaty'.

For reasons analogous to those which have just been set out as regards Article 31, this provision lends itself of its very nature to producing identical effects on the legal relationships between Member States and those subject to their jurisdiction.

(d) The provisions of the last sentence of Article 32 and those of paragraph (1) and the first subparagraph of paragraph (2) of Article 33 are directed at the progressive abolition, during the transitional period, of the quotas and the measures having equivalent effect existing at the date of the entry into force of the Treaty. The last sentence of Article 32 states the principle and Article 33 lays down rules for its application. Therefore the abovementioned provisions should be looked at as a whole. By Article 33(1) Member States were required, one year after the entry into force of the Treaty, to convert 'any bilateral quotas open to any other Member States into global quotas open without discrimination to all other Member States'. Article 33(1) also states that the Member States must progressively increase the aggregate of the global quotas at given dates and at a specified rate. Finally the first paragraph of Article 33(2) specifies, in accordance with analogous criteria, the rate at which the quota for 'a product which has not been liberalized' and for which 'the global quota does not amount to 3% of the national production of the State concerned' is to be raised.

These provisions lay down obligations which are not subject, either as regards their execution or their effects, to the adoption of any measure of the institutions of the Community. However, since they consist of positive obligations, consideration should be given to the question whether the Member States may in performing them exercise any discretion such as to exclude the abovementioned effects wholly or in part. Some discretion does fall to be exercised by the Member States from the obligation to 'convert any bilateral quotas... into global quotas' and from the concepts of 'total value' and 'national production'. In fact, since the Treaty gives no indication as to the data on which these figures must be calculated or as to the methods applicable, several solutions may be envisaged. Therefore the last sentence of Article 32 and Article 33 do not apply in a sufficiently precise way for it to be acknowledged that they have the abovementioned direct effect.

III — The second question

In its question the Corte d'Appello, Rome, asks the Court of Justice:

'If the answer is in the affirmative, to consider the nature of this legal protection

thus granted to the subjective position of an individual as regards the State; that is to say, to consider whether the legislative provisions in question grant direct and immediate protection to the private interests of an individual, excluding all discretion on the part of the State, acting as a public administration, to go against this interest, or whether, on the contrary, these provisions, in correlation in particular with the provisions of Articles 36, 224 and 226 of the Treaty, are only intended to grant immediate protection to the public interests of the Member States with reference to Community law and whether, therefore, they are intended to ensure, primarily, directly and solely that their administrative activity is in line with these interests, so that it must be recognized that, on the one hand, each Member State retains the power as regards its nationals to introduce restrictions on imports and, on the other hand, still taking into consideration the public interests of the State and not the private interests of individuals, that the provisions in question are directed only at the legal exercise of this power and not at its existence.'

Since this question is only put in case the answer to the first question is in the affirmative, it is to be considered only as regards those provisions which have just been held to have direct effect.

1. *The jurisdiction of the Court*

The Italian Ministry for Foreign Trade, the defendant in the main action, argues that this question is inadmissible. It says that in asking the Court of Justice 'to consider the nature' of this legal protection which may be granted to individuals, the Corte d'Appello, Rome, has raised a question which depends on an interpretation of national law.

The argument cannot be accepted, since the present question calls for an interpretation of Community law. It supplements the first question because it seeks information as to the nature and scope of the effects which the Treaty attributes to the provisions in question.

2. *Substance*

It follows from the fundamental principles of the Treaty and from the objectives which it seeks to attain that the provisions of Article 31 and of the first paragraph of Article 32 have entered into the national legal order and are directly applicable therein. The complexity of certain situations in a State cannot alter the legal nature of a Community provision which is directly applicable, and this is particularly the case considering that the Community rule must have the same binding force in all Member States.

The provisions of Articles 31 and 32 require the authorities, and in particular the relevant courts of the Member States, to protect the interests of those persons

subject to their jurisdiction who may be affected by any possible infringement of the said provisions, by ensuring for them direct and immediate protection of their interests no matter what the existing relationship may be under national law between those interests and the public interest to which the question refers.

It is for the national legal system to determine which court or tribunal has jurisdiction to give this protection and, for this purpose, to decide how the individual position thus protected is to be classified.

No argument to the contrary can be based on Articles 36, 224 or 226 of the Treaty. In fact, although these provisions attach particular importance to the interests of Member States, it must be observed that they deal with exceptional cases which are clearly defined and which do not lend themselves to any wide interpretation.

Thus the answer to be given to the present question is that, in so far as the provisions in question confer on persons subject to the jurisdiction rights which national courts must protect, those courts must ensure that the said rights are indeed protected, but that it is for the legal system of each Member State to decide which court has jurisdiction and, for this purpose to classify those rights with reference to the criteria of national law.

IV — Costs

The costs incurred by the Commission of the European Communities, which has presented its observations to the Court, are not recoverable, and as these proceedings are, in so far as the parties appearing before the Corte d'Appello, Rome, are concerned, a step in the action pending before that court, the decision as to costs is a matter for the Corte d'Appello.

On those grounds,

Upon reading the pleadings;

Upon hearing the report of the Judge-Rapporteur;

Upon hearing the oral observations of the parties to the main action and of the Commission of the European Communities;

Upon hearing the opinion of the Advocate-General;

Having regard to the Treaty establishing the European Economic Community, especially Articles 30, 31, 32, 33, 36, 177, 224 and 226;

Having regard to the Protocol on the Statute of the Court of Justice of the European Economic Community, especially Article 20;

Having regard to the Rules of Procedure of the Court of Justice of the European Communities;

THE COURT

in answer to the questions referred to it by the Corte d'Appello, Rome, by judgment of that court dated 9 July 1968, hereby rules:

1. Once the lists of liberalized products have been supplied, or at the latest once the time-limit laid down in the second paragraph of Article 31 of the EEC Treaty for the supply of these lists has expired, Article 31 produces direct effects on the relationships between a Member State and those subject to its jurisdiction and creates rights in favour of the latter, which national courts must protect.
2. The first paragraph of Article 32 produces the same effects and creates the same rights.
3. National courts must protect the rights conferred by the articles mentioned above, but it is for the legal system of each Member State to determine which court has jurisdiction, and for this purpose to classify those rights according to the criteria of national law.

and declares:

4. It is for the Corte d'Appello, Rome, to decide as to the costs in the present proceedings.

Lecourt	Trabucchi	Mertens de Wilmars	
Donner	Strauß	Monaco	Pescatore

Delivered in open court in Luxembourg on 19 December 1968.

A. Van Houtte	R. Lecourt
Registrar	President

OPINION OF MR ADVOCATE-GENERAL GAND
DELIVERED ON 14 NOVEMBER 1968¹

*Mr President,
Members of the Court,*

In an action between an Italian company and the Italian Ministry for Foreign Trade, which is an action for compensation for damage allegedly caused by a refusal to grant an import licence, the Corte d'Appello, Rome, is asking you to interpret Articles

30 et seq. of the EEC Treaty on the elimination of quantitative restrictions between Member States.

I

Although of course you have no jurisdiction under Article 177 to give judgment on the substance of the case, it is neither pos-

¹ — Translated from the French.