

Reference for a preliminary ruling by the Conseil d'État, Comité du Contentieux, of the Grand Duchy of Luxembourg, by judgment of that tribunal of 21 March 1990 in the case of Jean Neu and Others v. Secretary of State for Agriculture and Viticulture

(Case C-91/90)

(90/C 105/28)

Reference has been made to the Court of Justice of the European Communities by judgment of the Conseil d'État, Comité du Contentieux (Contentious Proceedings Committee of the State Council), of the Grand Duchy of Luxembourg, of 21 March 1990, which was received at the Court Registry on 27 March 1990, for a preliminary ruling in the case of Jean Neu and Others against the Secretary of State for Agriculture and Viticulture on the following questions:

1. Is Article 7 of Council Regulation (EEC) No 857/84⁽¹⁾ to be interpreted as meaning that, under Article 7 (3) of the Regulation, a Member State may provide in its national law that when a producer changes his purchaser (formula B) a part of his quota must be transferred to the national reserve instead of being apportioned between the old and the new purchaser or transferred in full to the new purchaser pursuant to Article 7 (2) of Regulation (EEC) No 857/84, thus penalizing any change of purchaser made by a producer?
2. Do Articles 39 and 110 of the Treaty of Rome and the principle that everyone is free to choose whom to do business with allow a Member State to reduce indefinitely by 10 % the individual additional production quota of a producer merely because he changes purchaser and obtains a better selling price, thereby improving his farming income?

⁽¹⁾ OJ No L 190, 1. 4. 1984, p. 13.

COURT OF FIRST INSTANCE

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 29 March 1990

in Case T-57/89: Nikolas Alexandrakis v. Commission of the European Communities⁽¹⁾

(Official — Inconsistency between the complaint and the application)

(90/C 105/29)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case T-57/89: Nikolas Alexandrakis, an official of the Commission of the European Communities, residing at Suva (Fiji), represented by Edmond Lebrun, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Tony Bieber, 83 boulevard Grande-Duchesse Charlotte, against the Commission of the European Communities (Agent: Sean Van Raepenbusch) — application for the partial annulment of the Commission's Decision of 12 February 1988 appointing the applicant an official, in so far it is an appointment to the post of Principal Administrator with classification in Grade A 4, and a declaration requiring him to be classified, by the decision appointing him, in Grade A 3 — the Court of First Instance (Third Chamber), composed of A. Saggio, President of the Chamber, C. Yeraris and K. Lenaerts, Judges; H. Jung, Registrar, gave a judgment on 29 March 1990, the operative part of which is as follows:

⁽¹⁾ OJ No C 331, 24. 12. 1988.

1. *The application is dismissed;*
2. *The parties are ordered to bear their own costs.*

JUDGMENT OF THE COURT OF FIRST INSTANCE

of 27 March 1990

in Case T-62/89: José Manuel Pinto Teixeira v. Commission of the European Communities⁽¹⁾

(Official — Former EAC official — Classification upon engagement as a probationary official — Portuguese national)

(90/C 105/30)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court)

In Case T-62/89: José Manuel Pinto Teixeira, an official of the Commission of the European Communities, residing in Mbabane (Swaziland), represented by Edmond Lebrun, of the Brussels Bar, with an address for service in Luxembourg at the Chambers of Tony Bieber, 83 boulevard Grande-Duchesse Charlotte, against the Commission of the European Communities (Agent: Sean Van Raepenbusch) — application for the annulment of the Commission's decisions appointing the applicant as a probationary official and then as an established official, in so far as they fix his grade and step, and the recognition of his classification, at Grade A 6, Step 2 — the Court (Fourth Chamber), composed of D. Edward,

⁽¹⁾ OJ No C 68, 18. 3. 1989.