

de Palma de Mallorca, Spain, for a preliminary ruling in the proceedings pending before that court between Bärbel Kachelmann and Bankhaus Hermann Lampe KG — on the interpretation of Article 5(1) of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ 1976 L 39, p. 40) — the Court (Fifth Chamber), composed of: D.A.O. Edward, President of the Chamber, L. Sevón, P.J.G. Kapteyn (Rapporteur), H. Ragnemalm and M. Wathelet, Judges; A. Saggio, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 26 September 2000, on which it ruled:

Articles 2(1) and 5(1) of Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions must be interpreted as not precluding an interpretation of a national rule, such as that contained in Article 1(3) of the Kündigungsschutzgesetz in the version in force until 30 September 1996, which proceeds on the general basis that part-time workers are not to be compared with full-time workers when an employer has to proceed to selection on the basis of social criteria when abolishing a part-time job on economic grounds.

⁽¹⁾ OJ C 312 of 10.10.1998.

JUDGMENT OF THE COURT

of 26 September 2000

in Case C-443/98 (reference for a preliminary ruling from the Pretore di Milano (Italy)): Unilever Italia SpA v Central Food SpA⁽¹⁾

(Technical standards and regulations — Obligations of notification and postponement of adoption — Applicability in civil proceedings)

(2000/C 335/22)

(Language of the case: Italian)

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

In Case C-443/98: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Pretore di Milano (Magistrate, Milan) for a preliminary ruling in the proceedings pending before that court between Unilever Italia SpA and Central Food SpA — on the interpretation of Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1983 L 109, p. 8), as amended by Directive 94/10/EC of the European Parliament and the Council of

23 March 1994 materially amending for the second time Directive 83/189/EEC (OJ 1994 L 100, p. 30) — the Court, composed of: G.C. Rodríguez Iglesias, President, L. Sevón and R. Schintgen (Presidents of Chambers), P.J.G. Kapteyn, C. Gulmann (Rapporteur), J.-P. Puissochet, H. Ragnemalm, M. Wathelet and V. Skouris, Judges; F.G. Jacobs, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 26 September 2000, in which it has ruled:

A national court is required, in civil proceedings between individuals concerning contractual rights and obligations, to refuse to apply a national technical regulation which was adopted during a period of postponement of adoption prescribed in Article 9 of Council Directive 83/189/EEC laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 94/10/EC of the European Parliament and the Council of 23 March 1994 materially amending for the second time Directive 83/189.

⁽¹⁾ OJ C 33 of 6.2.1999.

JUDGMENT OF THE COURT

of 26 September 2000

in Case C-478/98: Commission of the European Communities v Kingdom of Belgium⁽¹⁾

(Loans issued abroad — Prohibition of acquisition by Belgian residents)

(2000/C 335/23)

(Language of the case: French)

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

In Case C-478/98: Commission of the European Communities (Agents: H. Michard and B. Mongin v Kingdom of Belgium (Agent: A. Snoecx, assisted by B. van de Walle de Ghelcke) — application for a declaration that, by prohibiting the acquisition by persons resident in Belgium of securities of a loan issued abroad, the Kingdom of Belgium has failed to fulfil its obligations under Article 73b of the EC Treaty (now Article 56 EC) — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida, D.A.O. Edward, L. Sevón and R. Schintgen (Presidents of Chambers), P.J.G. Kapteyn (Rapporteur), C. Gulmann, A. La Pergola, J.-P. Puissochet, P. Jann, and H. Ragnemalm, Judges; F.G. Jacobs, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 26 September 2000, in which it:

1. Declares that, by prohibiting the acquisition by persons resident in Belgium of securities of a loan issued abroad, under the second paragraph of Article 3 of the Royal Decree of 4 October 1994, the Kingdom of Belgium has failed to fulfil its obligations under Article 73b of the EC Treaty (now Article 56 EC);
2. Orders the Kingdom of Belgium to pay the costs.

⁽¹⁾ OJ C 48 of 20.2.1999.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 26 September 2000

in Case C-22/99 (reference for a preliminary ruling from the Pretura di Pinerolo): Cristoforo Bertinetto v Biraghi SpA ⁽¹⁾

(Agriculture — Common organisation of the markets — Milk and milk products — Milk-price — Article 3 of Regulation (EEC) No 804/68)

(2000/C 335/24)

(Language of the case: Italian)

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

In Case C-22/99: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Pretura di Pinerolo (Magistrate's Court, Pinerolo), Italy for a preliminary ruling in the proceedings pending before that court between Cristoforo Bertinetto and Biraghi SpA — on the interpretation of Article 3 of Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organisation of the market in milk and milk products (OJ, English Special Edition 1968(1), p. 176) — the Court (Fifth Chamber), composed of: D.A.O. Edward, President of the Chamber, L. Sevón, P. Jann, H. Ragnemalm (Rapporteur) and M. Wathelet, Judges; S. Alber, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 26 September 2000, in which it has ruled:

Article 3 of Regulation (EEC) No 804/68 of the Council of 27 June 1968 on the common organisation of the market in milk and milk products precludes national legislation, such as that at issue in the main proceedings, which is designed to promote and encourage the establishment of a uniform producer price for milk.

⁽¹⁾ OJ C 86 of 27.3.1999.

JUDGMENT OF THE COURT

of 26 September 2000

in Case C-23/99: Commission of the European Communities v French Republic ⁽¹⁾

(Failure by a Member State to fulfil its obligations — Free movement of goods — Procedures for detention under customs control — Goods in transit — Industrial property right — Spare parts for the repair of motor vehicles)

(2000/C 335/25)

(Language of the case: French)

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

In Case C-23/99: Commission of the European Communities (Agents: R.B. Wainwright and O. Couvert-Castéra) v French Republic (Agents: K. Rispal-Bellanger and R. Loosli-Surrans) — application for a declaration that, by implementing, pursuant to the French Code de la Propriété Intellectuelle, procedures for the detention by the customs authorities of goods lawfully manufactured in a Member State of the European Community which are intended, following their transit through French territory, to be placed on the market in another Member State where they may be lawfully marketed, the French Republic has failed to fulfil its obligations under Article 30 of the EC Treaty (now, after amendment, Article 28 EC) — the Court, composed of: G.C. Rodríguez Iglesias, President, J.C. Moitinho de Almeida and L. Sevón (Presidents of Chambers), P.J.G. Kapteyn, J.-P. Puissochet, P. Jann, H. Ragnemalm (Rapporteur), M. Wathelet and V. Skouris, Judges; J. Mischo, Advocate General; D. Louterman-Hubeau, Principal Administrator, for the Registrar, has given a judgment on 26 September 2000, in which it:

1. Declares that, by implementing, pursuant to the French Code de la Propriété Intellectuelle, procedures for the detention by the customs authorities of goods lawfully manufactured in a Member State of the European Community which are intended, following their transit through French territory, to be placed on the market in another Member State where they may be lawfully marketed, the French Republic has failed to fulfil its obligations under Article 30 of the EC Treaty (now, after amendment, Article 28 EC);
2. Orders the French Republic to pay the costs.

⁽¹⁾ OJ C 86 of 27.3.1999.