

3. a) *The provision of general care and domestic help by an out-patient care service to persons in a state of physical or economic dependence amounts to the supply of services closely linked to welfare and social security work within the meaning of Article 13(A)(1)(g) of the Sixth Directive (77/388/EEC).*
- (b) *The exemption provided for in Article 13(A)(1)(g) of the Sixth Directive (77/388/EEC) may be relied upon by a taxable person before national courts in order to oppose national rules incompatible with that provision. It is for the national court to establish, in the light of all relevant factors, whether the taxable person is an organisation recognised as charitable within the meaning of the aforesaid provision.*

(¹) OJ C 176 of 24.6.2000.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 12 September 2002

in Case C-152/00: Commission of the European Communities v French Republic (¹)

(Failure by a Member State to fulfil its obligations — Directive 86/609/EEC — Incomplete transposition)

(2002/C 274/13)

(Language of the case: French)

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

In Case C-152/00, Commission of the European Communities (Agents: L. Ström and J.-F. Pasquier) v French Republic (Agents: K. Rispal-Bellanger and C. Vasak, and G. de Bergues): Application for a declaration that, by failing to transpose fully and correctly Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes (OJ 1986 L 358, p. 1), and in particular Articles 4, 7, 11, 12, 18 and 22 thereof, the French Republic has failed to fulfil its obligations under the EC Treaty, the Court (Fifth Chamber), composed of: P. Jann, President of the Chamber, S. von Bahr and A. La Pergola (Rapporteur), Judges; L.A. Geelhoed, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 12 September 2002, in which it:

1. *Declares that, by failing to adopt all the measures necessary to ensure the correct transposition of Articles 4, 7(3), 11, 12(2), 18(1) and (3) and 22(1) of Council Directive 86/609/EEC of 24 November 1986 on the approximation of laws, regulations and administrative provisions of the Member States regarding the protection of animals used for experimental and other scientific purposes, the French Republic has failed to fulfil its obligations under that directive;*

2. *Orders the French Republic to pay the costs.*

(¹) OJ C 176 of 24.6.2000.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 10 September 2002

in Case C-172/00 (Reference for a preliminary ruling from the Landgericht Köln): Ferring Arzneimittel GmbH v Eurim-Pharm Arzneimittel GmbH (¹)

(Interpretation of Article 28 EC and Article 30 EC — Medicinal products — Withdrawal of parallel import licence in consequence of waiver of the marketing authorisation for the medicinal product of reference by the holder of that authorisation)

(2002/C 274/14)

(Language of the case: German)

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

In Case C-172/00: Reference to the Court under Article 234 EC by the Landgericht Köln (Germany) for a preliminary ruling in the proceedings pending before that court between Ferring Arzneimittel GmbH and Eurim-Pharm Arzneimittel GmbH, on the interpretation of Article 28 EC and Article 30 EC, the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, C. Gulmann (Rapporteur), J.-P. Puissochet, V. Skouris and J.N. Cunha Rodrigues, Judges; L.A. Geelhoed, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 10 September 2002, in which it has ruled:

1. *Article 28 EC precludes national legislation under which the withdrawal of the marketing authorisation of reference for a medicinal product on application by the holder thereof means that the parallel import licence for that product automatically ceases to be valid.*
2. *The fact that the new version of the medicinal product has been placed on the market of the Member State of importation alone or is also found on the market in other Member States does not alter the answer to the first question.*

3. *If it is demonstrated that there is in fact a risk to public health arising from the coexistence of two versions of the same medicinal product on the market in a Member State such a risk may justify restrictions on the importation of the old version of the medicinal product in consequence of the withdrawal of the marketing authorisation of reference by the holder thereof in relation to that market.*

(¹) OJ C 211 of 22.7.2000.

Regulation (EEC) No 1035/72 of the Council of 18 May 1972 and Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables are to be interpreted as meaning that compliance with the provisions on quality standards applicable to fruit or vegetables must be capable of enforcement by means of civil proceedings instituted by a trader against a competitor.

(¹) OJ C 247 of 26.8.2000.

JUDGMENT OF THE COURT

of 17 September 2002

in Case C-253/00 (Reference for a preliminary ruling from the Court of Appeal (England & Wales) (Civil Division): Antonio Muñoz y Cia SA, Superior Fruticola SA v Frumar Ltd, Redbridge Produce Marketing Ltd (¹))

(Agriculture — Regulation (EC) No 2200/96 — Quality standards for varieties of table grapes — Legal obligations of operators marketing table grapes within the Community — Right of an operator to seek enforcement of those obligations in civil proceedings)

(2002/C 274/15)

(Language of the case: English)

In Case C-253/00: Reference to the Court under Article 234 EC by the Court of Appeal of England and Wales (Civil Division) for a preliminary ruling in the proceedings pending before that court between Antonio Muñoz y Cia SA, Superior Fruticola SA and Frumar Ltd, Redbridge Produce Marketing Ltd, on the interpretation of Regulation (EEC) No 1035/72 of the Council of 18 May 1972 and Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables (OJ, English Special Edition 1972 (II), p. 437, and OJ 1996 L 297, p. 1 respectively), the Court, composed of: G.C. Rodríguez Iglesias, President, P. Jann (Rapporteur), N. Colneric and S. von Bahr, (Presidents of Chambers), C. Gulmann, D.A.O. Edward, A. La Pergola, J.-P. Puissechet, R. Schintgen, J.N. Cunha Rodrigues and C.W.A. Timmermans, Judges; L.A. Geelhoed, Advocate General; R. Grass, Registrar, has given a judgment on 17 September 2002, in which it has ruled:

JUDGMENT OF THE COURT

(Sixth Chamber)

of 24 September 2002

in Case C-255/00 (Reference for a preliminary ruling from the Tribunale di Trento): Grundig Italiana SpA v Ministero delle Finanze (¹)

(Internal taxes contrary to Community law — Recovery of sums paid but not due — National legislation retroactively reducing time-limits for bringing proceedings — Compatibility with the principle of effectiveness)

(2002/C 274/16)

(Language of the case: Italian)

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

In Case C-255/00: Reference to the Court under Article 234 EC by the Tribunale di Trento (Italy) for a preliminary ruling in the proceedings pending before that court between Grundig Italiana SpA and Ministero delle Finanze, on the interpretation of the principles of Community law relating to the recovery of sums paid but not due, the Court (Sixth Chamber), composed of: F. Macken, President of the Chamber, C. Gulmann, J.-P. Puissechet (Rapporteur), R. Schintgen and J.N. Cunha Rodrigues, Judges; D. Ruíz-Jarabo Colomer, Advocate General; R. Grass, Registrar, has given a judgment on 24 September 2002, in which it has ruled: