

Request for a preliminary ruling, referred on 20 November 1972, by the Pretura di Conegliano, in the case pending before that Court between the firm of Capolongo and the MAYA agricultural undertaking

(Case 77/72)

By order dated 20 November 1972, lodged with the Registry of the Court of Justice of the European Communities on 27 November 1972, made in the case pending before him between the firm of Capolongo, of Bassano del Grappa, and the MAYA agricultural undertaking of Pieve di Soligo, the Pretore of Conegliano referred to the Court of Justice of the European Communities the following preliminary questions :

- (1) Whether the provision of Article 92 (1) of the Treaty which prohibits the grant of aids by the provision of finance in such a way as to distort competition within the Common Market is a rule directly applicable in the legal order of the Member States with the effect of conferring on individuals subjective rights which national courts must safeguard.
- (2) If Question 1 is answered in the affirmative, on what date did the abovementioned subjective rights arise (ie, did they arise on the date the Treaty of Rome came into force or on 31 December 1969, the date on which the transitional period ended) ?
- (3) Whether the imposition of a tax (or pecuniary burden) charged on the basis of a percentage related to the value of the product imported from other Member States amounts to an infringement of Article 13 (2) of the Treaty, or of any other provision of the Treaty of Rome which prohibits the imposition of special taxes on imports from other Member States.
- (4) Whether Article 30 and Article 86 of the Treaty are rules directly applicable within Member States.
- (5) Whether the imposition of a charge on products imported from other Member States intended to finance the activity of a public law body separate from the State may constitute an infringement of Article 30 and the first paragraph of Article 86 of the Treaty.

Request for a preliminary ruling, made by judgment of the Arrondissementsrechtbank of Breda dated 28 November 1972, in the case of Verzekeringsmaatschappij Ster—Algemeen Syndikaat v. W. E. de Waal

(Case 78/72)

By judgment dated 28 November 1972, lodged with the Registry of the Court of Justice of the European Communities on 4 December 1972, the Arrondissementsrechtbank of Breda, in the case of Verzekeringsmaatschappij Ster—Algemeen Syndikaat of Brussels, v. W. E. de Waal of Bergen op Zoom, has requested a preliminary ruling on the following question :

Does the declaration of direct applicability of the 'direct claim against the third party' mentioned in Article 52 of the abovementioned Regulation No 3 have the result that, in giving effect to the said claim, regard must be had to the rules which, in relation to the establishment of the content of that claim, are in force in the State which has conferred the said claim ?
