

2. Dismisses the remainder of the application;
3. Orders SIVU du plan d'eau de la Vallée du Lot, otherwise known as SIVU du pays d'accueil de la Vallée du Lot, and Hydro-Réalisations SARL jointly and severally to pay the costs.

(¹) OJ C 199 of 28.6.1997.

JUDGMENT OF THE COURT

(Third Chamber)

of 10 June 1999

in Case C-334/97: Commission of the European Communities v Comune di Montorio al Vomano (¹)

(Article 238 EC (ex Article 181) — Arbitration clause — Non-performance of two contracts)

(1999/C 226/04)

(Language of the case: Italian)

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

In Case C-334/97: Commission of the European Communities (Agent: Paolo Stancanelli assisted by Alberto Dal Ferro) v Comune di Montorio al Vomano acting through its legal representative for the time being, represented by Paolo Scarpantoni, of the Teramo Bar — application under Article 238 EC (ex Article 181) for an order requiring the defendant, first, to reimburse advance payments made by the Commission to the defendant in connection with two contracts for the completion of a demonstration project relating to the exploitation of alternative energy sources and, second, to pay the Commission damages by way of compensation for the damage suffered — the Court (Third Chamber), composed of: J.-P. Puissochet, President of the Chamber, J.C. Moitinho de Almeida and C. Gulmann (Rapporteur), Judges; N. Fennelly, Advocate General; R. Grass, Registrar, has given a judgment on 10 June 1999, in which it:

1. Orders Comune di Montorio al Vomano to pay to the Commission, under Contracts Nos WE 147/85 and HY 149/85:

- the sum of ITL 246 000 000, together with interest at the rate of 14.2 % calculated from 1 December 1986 until the day on which repayment is fully effected;
- the sum of ITL 49 200 000, together with interest at the rate of 14.2 % calculated from 1 March 1988 until the day on which repayment is fully effected;
- the sum of ITL 110 800 000, together with interest at the rate of 14.2 % calculated from 1 June 1988 until the day on which repayment is fully effected;
- the sum of ITL 49 200 000, together with interest at the rate of 14.2 % calculated from 1 August 1988 until the day on which repayment is fully effected;
- the sum of ITL 158 400 000, together with interest at the rate of 14.2 % calculated from 1 November 1986 until the day on which repayment is fully effected;

2. Dismisses the remainder of the action;
3. Orders Comune di Montorio al Vomano to pay the costs.

(¹) OJ C 357 of 22.11.1997.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 10 June 1999

in Case C-346/97 (reference for a preliminary ruling from the Länsrätten i Dalarnas län): Braathens Sverige AB, formerly Transwede Airways AB v Riksskatteverket (¹)

(Directive 92/81/EEC — Harmonisation of the structures of excise duties on mineral oils — Mineral oils supplied for use as aviation fuel for purposes other than private pleasure flying — Exemption from the harmonised duty)

(1999/C 226/05)

(Language of the case: Swedish)

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

In Case C-346/97: Reference to the Court under Article 234 EC (ex Article 177 of the EC Treaty) by the Länsrätten i Dalarnas län for a preliminary ruling in the proceedings pending before that court between Braathens Sverige AB, formerly Transwede Airways AB and Riksskatteverket — on the interpretation of Article 8(1) of Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils (OJ 1992 L 316, p. 12) — the Court (Fifth Chamber), composed of: P. Jann

(President of the First Chamber, acting for the President of the Fifth Chamber) J.C. Moitinho de Almeida (Rapporteur), C. Gulmann, D.A.O. Edward and M. Wathelet Judges, N. Fennelly, Advocate General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 10 June 1999 in which it has ruled:

1. Article 8(1) of Council Directive 92/81/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on mineral oils precludes the collection of a tax of the kind at issue in this case, which is levied on domestic commercial aviation and is calculated by reference to data on fuel consumption and emissions of hydrocarbons and nitric oxide during an average flight by the type of aircraft used.
2. The obligation imposed by Article 8(1)(b) of Directive 92/81 to exempt from the harmonised excise duty mineral oils supplied for use as fuel for the purpose of air navigation other than private pleasure flying may be relied on by individuals in proceedings before national courts in order to contest national rules that are incompatible with that obligation.

(¹) OJ C 357 of 22.11.1997.

JUDGMENT OF THE COURT

(First Chamber)

of 10 June 1999

in Case C-430/97 (reference for a preliminary ruling from the Amtsgericht Köln): Jutta Johannes v Hartmut Johannes (¹)

(Officials — Pension rights — Apportionment of pension rights in divorce proceedings)

(1999/C 226/06)

(Language of the case: German)

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

In Case C-430/97: Reference to the Court under Article 234 EC (ex Article 177) by the Amtsgericht Köln (Germany) for a preliminary ruling in the proceedings pending before that court between Jutta Johannes and Hartmut Johannes on the interpretation of Article 6 of the EC Treaty (now, after amendment, Article 12 EC) and of Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ, English Special Edition 1968 (I), p. 30), as amended by Council Regulation (ECSC, EEC,

Euratom) No 2799/85 of 27 September 1985 (OJ 1982 L 265, p. 1), in particular Article 27 of Annex VIII thereto — the Court (First Chamber) composed of: P. Jann President of the Chamber, L. Sevón (Rapporteur) and M. Wathelet, Judges; D. Ruiz-Jarabo Colomer, Advocate General; H.A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 10 June 1999, in which it has ruled:

1. Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission, as amended by Council Regulation (ECSC, EEC, Euratom) No 2799/85 of 27 September 1985, in particular Article 27 of Annex VIII thereto, does not preclude the application, in proceedings between two former spouses, of national rules of law of the kind contained in Paragraph 1587 et seq. of the Bürgerliches Gesetzbuch, providing for the apportionment of pension rights between divorced spouses.
2. Article 6 of the EC Treaty (now, after amendment, Article 12 EC) does not preclude the laws of a Member State regulating the consequences of divorce between an official of the Communities and his former spouse, regard being had to the spouses' nationality as a connecting factor, from causing the official concerned to bear a heavier burden than would be borne by an official of a different nationality in the same situation.

(¹) OJ C 55 of 20.2.1998.

JUDGMENT OF THE COURT

of 15 June 1999

in Case C-140/97 (reference for a preliminary ruling from the Landesgericht Linz): Walter Rechberger and Renate Greindl, Hermann Hofmeister and Others v Republic of Austria (¹)

(Directive 90/314/EEC on package travel, package holidays and package tours — Travel offered at a reduced price to the subscribers of a daily newspaper — Transposition of the directive — Liability of the Member State)

(1999/C 226/07)

(Language of the case: German)

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

In Case C-140/97: reference to the Court under Article 177 of the EC Treaty (now Article 234 EC) from the Landesgericht Linz (Regional Court, Linz) for a preliminary ruling in the proceedings pending before that court between Walter Rechberger and Renate Greindl, Hermann Hofmeister and Others and the Republic of Austria — on the interpretation of Article 7 of Council Directive 90/314/EEC of 13 June 1990