AMMINISTRAZIONE DELLE FINANZE DELLO STATO v POLITI

JUDGMENT OF THE COURT (Third Chamber)
13 July 1989 *

In Case 214/88

REFERENCE to the Court under Article 177 of the EEC Treaty by the corte d'appello di Venezia (Court of Appeal, Venice) for a preliminary ruling in the proceedings pending before that court between

Amministrazione delle finanze dello Stato, in the person of the Minister for Finance *pro tempore*

and

Società Politi & Co. SRL, in liquidation, in the person of the liquidator, E. Gatti,

on the interpretation of certain provisions of Council Directive 64/433/EEC of 26 June 1964 on health problems affecting intra-Community trade in fresh meat and Regulation No 121/67/EEC of the Council of 13 June 1967 on the common organization of the market in pigmeat,

THE COURT (Third Chamber)

composed of: F. Grévisse, President of Chamber, J. C. Moitinho de Almeida and M. Zuleeg, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: Italian.

in answer to the questions referred to it by the corte d'appello di Venezia, by order of 30 June 1988, hereby rules:

Article 9 of Directive 64/433/EEC in conjunction with Article 17(2) of Regulation No 121/67/EEC constitutes, with regard to health and animal-health inspections carried out on imports of fresh, chilled or frozen pigmeat from non-member countries, a derogation from the prohibition of the imposition of health inspection charges to the extent necessary to ensure non-discriminatory treatment, on the one hand, of traders who, in the course of intra-Community trade, place fresh meat on the market and thereby become liable to pay health inspection charges in the exporting Member State and, on the other, of traders who import such products from non-member countries, provided that those charges do not exceed the actual cost of the inspection.