On those grounds,

THE COURT

in answer to the questions referred to it by the Tribunaux Administratifs, Nancy and Châlons-sur-Marne, by orders of 25 November 1976 and 1 February 1977, hereby rules:

1. **The provisions of Article 11 of Regulation No 120/67/EEC of the Council of 13 June 1967 as worded with effect from 1 August 1975 following the amendment made by Article 3 of Regulation (EEC) No 665/75 of the Council of 4 March 1975 and repeated in Regulation (EEC) No 2727/75 of the Council of 29 October 1975, in conjunction with Regulation (EEC) No 1955/75 of the Council of 22 July 1975 and the subsequent regulations which replaced it, are incompatible with the principle of equality in so far as they provide for a difference of treatment in respect of production refunds between maize groats and meal for the brewing industry and maize starch.**

2. **It is for the institutions competent in matters of common agricultural policy to adopt the measures necessary to correct this incompatibility.**

Kutscher Sørensen Bosco Donner Pescatore

Mertens de Wilmars Mackenzie Stuart O'Keeffe Touffait

Delivered in open court in Luxemburg on 19 October 1977.

A. Van Houtte
Registrar

H. Kutscher
President

OPINION OF MR ADVOCATE-GENERAL CAPOTORTI
(see Joined Cases 117/76 and 16/77, p. 1773)