

**Judgment of the Court (Fourth Chamber) of 7 September 2006 (reference for a preliminary ruling from the Verwaltungsgericht Sigmaringen, Germany) — Alexander Jehle, Weinhaus Kiderlen v Land Baden-Württemberg**

(Case C-489/04) <sup>(1)</sup>

*(Regulation (EC) No 1019/2002 — First paragraph of Article 2 — Olive oil and olive-pomace oil — Marketing standards — Retail trade — Presentation to the final consumer — So-called ‘bag in the box’ method)*

(2006/C 261/06)

Language of the case: German

### Referring court

Verwaltungsgericht Sigmaringen

### Parties to the main proceedings

*Applicants:* Alexander Jehle, Weinhaus Kiderlen

*Defendant:* Land Baden-Württemberg

### Re:

Preliminary ruling — Verwaltungsgericht Sigmaringen — Interpretation of the first paragraph of Article 2 of Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil (OJ 2002 L 155, p. 27) — Presentation of olive oils and olive-pomace oils to final consumers in pre-sealed packaging having a maximum capacity of five litres — Possibility of selling olive oil which is presented in a five-litre ‘Bag in the Box’ and which consumers draw off in smaller amounts within the shop

### Operative part of the judgment

1. Commission Regulation (EC) No 1019/2002 of 13 June 2002 on marketing standards for olive oil, as amended by Commission Regulation (EC) No 1176/2003 of 1 July 2003, and in particular the first paragraph of Article 2 thereof, must be construed as meaning that olive oils and olive-pomace oils may be presented to the final consumer only in packaging which complies with the requirements laid down by that provision.
2. The first paragraph of Article 2 of Regulation No 1019/2002, as amended by Regulation (EC) No 1176/2003, must be construed as prohibiting a method of marketing, such as that used by the applicant in the main proceedings, which does not meet the conditions laid down by that provision.

<sup>(1)</sup> OJ C 45, 19.2.2005.

**Judgment of the Court (First Chamber) of 7 September 2006 (reference for a preliminary ruling from the Tribunal Superior de Justicia de Castilla y León — Spain) — Anacleto Cordero Alonso v Fondo de Garantía Salarial (Fogasa)**

(Case C-81/05) <sup>(1)</sup>

*(Social policy — Protection of workers in the event of the insolvency of their employer — Directive 80/987/EEC — Amending Directive 2002/74/EC — Compensation for dismissal agreed during conciliation — Payment guaranteed by the guarantee institution — Payment subject to the adoption of a judicial decision)*

(2006/C 261/07)

Language of the case: Spanish

### Referring court

Tribunal Superior de Justicia de Castilla y León

### Parties to the main proceedings

*Applicant:* Anacleto Cordero Alonso

*Defendant:* Fondo de Garantía Salarial (Fogasa)

### Re:

Reference for a preliminary ruling — Tribunal Superior de Justicia de Castilla y León — Interpretation of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer (OJ 1980 L 283, p. 23), amended by Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002 (OJ 2002 L 270, p. 10) — Articles 1 and 3 — Application of Community law — Primacy — Protection of workers already conferred by national law — Time-limit for transposing the relevant directive not yet expired — Interpretation by the Court of Justice not the same as that by the Spanish Constitutional Court — Equal treatment

### Operative part of the judgment

The Court:

1. Where, before the entry into force of Directive 2002/74/EC of the European Parliament and of the Council of 23 September 2002 amending Directive 80/987/EEC, a Member State has already conferred on employees a statutory entitlement to protection by a guarantee institution in the event of an employer's insolvency with regard to compensation for termination of the contract of employment, the application of that legislation to cases where the employer's insolvency occurred after the entry into force of that directive falls within the scope of Council Directive 80/987/EEC of 20 October 1980 on the approximation of the laws of the Member States relating to the protection of employees in the event of the insolvency of their employer, as amended by Directive 2002/74.