

The Commission of the European Communities claims that the Court should:

- declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2000/52/EC of 26 July 2000 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings ⁽¹⁾ or, in any event, by failing to notify them to the Commission, France has failed to fulfil its obligations under that directive;
- order France to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition expired on 31 January 2001.

⁽¹⁾ OJ L 193 of 29 July 2002, p. 78.

Action brought on 18 March 2003 by the Commission of the European Communities against the Kingdom of Spain

(Case C-120/03)

(2003/C 112/31)

An action against the Kingdom of Spain was brought before the Court of Justice of the European Communities on 18 March 2003 by the Commission of the European Communities, represented by K. Banks and J.L. Buendía Sierra, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. Declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 98/71/EC ⁽¹⁾ of the European Parliament and of the Council of 13 October 1998 on the legal protection of designs or, in any event, by failing to communicate them to the Commission, the Kingdom of Spain has failed to fulfil its obligations under that directive;
2. Order the Kingdom of Spain to pay the costs.

Pleas in law and main arguments

The period prescribed for implementation of the directive expired on 28 October 2001.

⁽¹⁾ OJEC L 289 of 28 October 1998, p. 28.

Action brought on 19 March 2003 by the Commission of the European Communities against the French Republic

(Case C-122/03)

(2003/C 112/32)

An action against the French Republic was brought before the Court of Justice of the European Communities on 19 March 2003 by the Commission of the European Communities, represented by H. Støvlbæk and B. Stromsky, acting as Agents, with an address for service in Luxembourg.

The applicant claims that the Court should:

1. Declare that, by imposing, pursuant to Article R. 5142-15 of the Public Health Code, on traders importing or distributing in France medicinal products which are already covered by a marketing authorisation for the French or Community market the requirement that they submit, at the request of the monitoring authorities, either a certified copy issued by the French agency for health products sanitary safety (FAHPSS) of the French marketing authorisation or of the registration of the medicinal product, or a document issued by the FAHPSS attesting to the fact that the imported medicinal product has obtained a marketing authorisation issued by the European Community, the French Republic has failed to fulfil its obligations under Article 28 of the EC Treaty;
2. Order the French Republic to pay the costs.

Pleas in law and main arguments

So far as concerns the importation into France of pharmaceutical products already covered by a marketing authorisation for the French or Community market, Article R. 5142-15 of the Public Health Code requires the submission at the request of customs officers of either a certified copy of the marketing authorisation or of the registration of the medicinal product or a document attesting to the fact that the imported medicinal product has obtained a marketing authorisation issued by the European Community, each of those documents being issued by the FAHPSS.

The effects of that provision on traders wishing to import and distribute pharmaceutical products in France may be resumed as follows: (i) formalities, costs and the time entailed by the granting procedure are imposed on traders which they are obliged to bear, on pain of sanctions, throughout its term; (ii) those same traders are obliged to be constantly in possession of documents which could be potentially numerous and voluminous.