

'Is Annex 11 to Commission Regulation (EEC) No 2454/93 of 2 July 1993 ⁽¹⁾ invalid as being contrary to Article 24 of Council Regulation No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾ in that it has the result that a television receiver manufactured in Poland in the circumstances described in the proceedings is held to be of Korean origin?'

⁽¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, p. 1).

⁽²⁾ OJ L 302, p. 1.

Reference for a preliminary ruling from the Cour d'appel de Paris by judgment of that court of 18 November 2005 in Vestel France SA v Administration des Douanes et Droits Indirects

(Case C-448/05)

(2006/C 48/32)

(Language of the case: French)

Reference has been made to the Court of Justice of the European Communities by judgment of the Cour d'appel de Paris (Paris Court of Appeal) of 18 November 2005, received at the Court Registry on 16 December 2005, for a preliminary ruling in the proceedings between Vestel France SA and Administration des Douanes et Droits Indirects on the following question:

'Is Annex 11 to Commission Regulation (EEC) No 2454/93 of 2 July 1993 ⁽¹⁾ invalid as being contrary to Article 24 of Council Regulation No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾ in that it has the result that a television receiver manufactured in Turkey in the circumstances described in the proceedings is held to be of Chinese origin?'

⁽¹⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, p. 1).

⁽²⁾ OJ L 302, p. 1.

Action brought on 19 December 2005 by the Commission of the European Communities against the Grand Duchy of Luxembourg

(Case C-452/05)

(2006/C 48/33)

(Language of the case: French)

An action against the Grand Duchy of Luxembourg was brought before the Court of Justice of the European Communities on 19 December 2005 by the Commission of the European Communities, represented by S. Pardo Quintillán and F. Simonetti, acting as Agents, with an address for service in Luxembourg.

The Commission claims that the Court should:

1. declare that, as it is not able to ensure that the minimum percentage of reduction of the overall load entering all treatment plants is at least 75 % for total phosphorus and at least 75 % for total nitrogen, the Grand Duchy of Luxembourg has failed to fulfil its obligations by reason of a misapplication of Article 5(4) of Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment ⁽¹⁾;
2. order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

Luxembourg stated in 1999 that, instead of applying more stringent treatment to all the treatment plants within its territory, it was choosing to rely on Article 5(4), which amounts to making an overall assessment of the level of reduction in nitrogen and phosphorus as regards all the agglomerations in Luxembourg.

However, according to the most recent information received from Luxembourg concerning the overall percentage of reduction of the load entering all treatment plants, the conditions for application of Article 5(4) have not been fulfilled.

Therefore, the Commission is obliged to conclude that the Luxembourg authorities have failed to establish that the minimum percentage of reduction of the overall load of nitrogen and phosphorus is at least 75 % as regards each of the two parameters; consequently, the conditions for application of Article 5(4) have not been satisfied.

⁽¹⁾ OJ 1991 L 135, p. 40.