

discrimination laid down in Article 12 in conjunction with Article 18 of the EC Treaty?

2. In so far as the provisions of the EC Treaty concerning the free movement of goods and/or services are applicable, does a prohibition of the admission of non-residents to coffeeshops form a suitable and proportionate means of reducing drug tourism and the public nuisance which accompanies it?
3. Is the prohibition of discrimination against citizens on grounds of nationality, as laid down in Article 12 in conjunction with Article 18 of the EC Treaty, applicable to the rules on the access of non-residents to coffeeshops if and in so far as the provisions of the EC Treaty concerning the free movement of goods and services are not applicable?
4. If so, is the resulting indirect distinction between residents and non-residents justified, and is the prohibition of the admission of non-residents to coffeeshops a suitable and proportionate means of reducing drug tourism and the public nuisance which accompanies it?

Action brought on 16 April 2009 — Commission of the European Communities v Kingdom of Belgium

(Case C-139/09)

(2009/C 141/58)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: L. de Schietere de Lophem and A. Marghelis, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

- Declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/EC⁽¹⁾ or, in any event, by failing to notify those provisions to the Commission, the Kingdom of Belgium has failed to fulfil its obligations under that directive;
- order the Kingdom of Belgium to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of Directive 2006/21/EC expired on 30 April 2008. At the time the present action was brought, the defendant had not yet adopted all the measures necessary to transpose the directive or, in any event, had not notified those measures to the Commission.

⁽¹⁾ OJ 2006 L 102, p. 15.

Action brought on 21 April 2009 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-141/09)

(2009/C 141/59)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: P. Dejmek and J. Sénéchal, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

- Declare that, by failing to adopt all the laws, regulations and administrative provisions necessary to comply with Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies,⁽¹⁾ and in particular Articles 1 to 4, 5 to 8, 9(2), 13 and 16 thereof, the Grand Duchy of Luxembourg has failed to fulfil its obligations under Article 19 of that directive;
- order the Grand Duchy of Luxembourg to pay the costs.

Pleas in law and main arguments

The period prescribed for transposition of Directive 2005/56/EC expired on 14 December 2007. At the time the present action was brought, the defendant had not yet adopted all the measures necessary to transpose the directive or, in any event, had not notified those measures to the Commission.

⁽¹⁾ OJ 2005 L 310, p. 1.

Action brought on 27 April 2009 — Commission of the European Communities v Grand Duchy of Luxembourg

(Case C-149/09)

(2009/C 141/60)

Language of the case: French

Parties

Applicant: Commission of the European Communities (represented by: P. Dejmek and J. Sénéchal, acting as Agents)

Defendant: Grand Duchy of Luxembourg

Form of order sought

- Declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Directive 2006/68/EC of the European Parliament and of the Council of 6 September 2006 amending Council Directive 77/91/EEC as regards the formation of public limited liability companies and the maintenance and alteration of