

Questions referred

1. Can the provisions of [Commission] Regulation No 2571/97 of 15 December 1997 on the sale of butter at reduced prices and the granting of aid for cream, butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs, ⁽¹⁾ a regulation which implements [Council] Regulation No 1255/99 [of 17 May 1999] on the common organisation of the market in milk and milk products, ⁽²⁾ be regarded as constituting sectoral Community rules derogating from Article 3(1) of Regulation No 2988/95 of 18 December 1995 ⁽³⁾ and preventing the application of national provisions on limitation?

2. Must Article 3(3) of Regulation No 2988/95 of 18 December 1995 be construed as only applying to instances where the irregularity is committed by the recipient of the subsidy, whilst the general rule of limitation after four years applies in all cases of irregularities committed by persons with whom the recipient has entered into contracts, in view of the maximum period of four years applicable to the [Community] rules governing contracting parties under the common organisation of the market in milk and milk products?

⁽¹⁾ OJ 1997 L 350, p. 3.

⁽²⁾ OJ 1999 L 160, p. 48.

⁽³⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ 1995 L 312, p. 1).

Action brought on 15 March 2010 — European Commission v Kingdom of Belgium

(Case C-133/10)

(2010/C 148/23)

Language of the case: French

Parties

Applicant: European Commission (represented by: V. Peere and K. Walkerová, acting as Agents)

Defendant: Kingdom of Belgium

Form of order sought

— Declare that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Commission Directive 2005/81/EC of 28 November 2005 amending Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings, ⁽¹⁾ and in any event by not communicating such measures 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 transposing Directive 2005/81/EC expired on 19 December 2006. As at the date on which 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 the Commission thereof.

⁽¹⁾ OJ 2005 L 312, p. 47.

Reference for a preliminary ruling from the Conseil d'État (Belgium) lodged on 15 March 2010 — The European Communities v The Région de Bruxelles-Capitale

(Case C-137/10)

(2010/C 148/24)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: The European Communities

Defendant: The Région de Bruxelles-Capitale