

instead of Article 100c of the EC Treaty, has resulted in a breach of the essential procedural requirements laid down by that provision. Thus:

- the Act was adopted without the submission of a proposal by the Commission (it was adopted on the initiative of the French Republic),
- the Act was adopted without the European Parliament being consulted; the European Parliament was not even informed of the initiative,
- since the Council chose to act within the framework of Article K.3 of the Treaty on European Union, its decision should have been unanimous, whereas, on the basis of Article 100c of the EC Treaty, the Act could (from 1 January 1996) have been adopted by a qualified majority, pursuant to Article 100c (3) of the EC Treaty,
- by adopting the Act of 4 March 1996 in the form of 'joint action', the Council created a misunderstanding as to the precise legal nature of the instrument.

(1) 96/197/JHA, OJ No L 63, 13. 3. 1996, p. 8.

(2) OJ No L 164, 14. 7. 1995, p. 1.

Reference for a preliminary ruling from the Bundesverwaltungsgericht by order of that court of 21 March 1996, in the case of Georg Wilkens v. Landwirtschaftskammer Hannover

(Case C-181/96)

(96/C 210/16)

Reference has been made to the Court of Justice of the European Communities by order of the Third Chamber of the Bundesverwaltungsgericht (Federal Administrative Court) of 21 March 1996, which was received at the Court Registry on 29 May 1996, for a preliminary ruling in the case of Georg Wilkens v. Landwirtschaftskammer (Chamber of Agriculture) Hannover on the following questions:

1. Does the second subparagraph of Article 3 (a) (1) of Regulation (EEC) No 857/84, as amended by Regulation (EEC) No 1639/91⁽¹⁾, preclude granting a provisional special reference quantity to producers who have been asked to repay a non-marketing or conversion premium on account of a breach of the undertaking given by them?
2. If so, is that rule compatible with the Community law principles of the protection of legitimate expectations and proportionality?

(1) OJ No L 150, 15. 6. 1991, p. 35.

Action brought on 29 May 1996 by the Federal Republic of Germany against the Commission of the European Communities

(Case C-182/96)

(96/C 210/17)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 29 May 1996 by the Federal Republic of Germany, represented by Ernst Röder, *Ministerialrat* in the Federal Ministry of Economic Affairs and Sabine Maass, probationary *Regierungsrätin* in the same Ministry.

The applicant claims that the Court should:

- annul Decision (K 96) 841 final of the Commission of 13 March 1996 concerning fiscal aid in the field of depreciation favouring German undertakings,
- order the defendant to pay the costs.

Pleas in law and main arguments

The pleas in law and main arguments are the same as those in Case C-46/96⁽¹⁾.

(1) OJ No C 108, 13. 4. 1996, p. 4.

Reference for a preliminary ruling from the Tribunale di Genova — Sezione prima civile — by an order of 9 May 1996 in the case of Icat Food SRL and Ministero delle Finanze dello Stato

(Case C-183/96)

(96/C 210/18)

Reference has been made to the Court of Justice of the European Communities by an order of the Tribunale di Genova — Sezione prima civile (District Court, Genoa, First Civil Section) of 9 May 1996 which was received at the Court Registry on 30 May 1996. The grounds of the order and the questions referred for a preliminary ruling are the same as in Case C-47/95, *inter alia*⁽¹⁾.

(1) OJ No C 119, 13. 5. 1995, p. 5.

Action brought on 31 May 1996 by the Commission of the European Communities against the French Republic

(Case C-184/96)

(96/C 210/19)

An action against the French Republic was brought before the Court of Justice on 31 May 1996 by the Commission of