

Communities on 9 July 1996 by the Commission of the European Communities, represented by Götz zur Hausen, Legal Adviser to the Commission of the European Communities, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of the Legal Service of the Commission, Wagner Centre C 254, Kirchberg.

The applicant claims that the Court should:

- declare that, by failing within the prescribed period to adopt the measures necessary in order to comply with Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances<sup>(1)</sup> and Commission Directive 93/86/EEC<sup>(2)</sup> of 4 October 1993 adapting the aforementioned Council Directive to technical progress, the Federal Republic of Germany has failed to fulfil its obligations under the EC Treaty,
- order the Federal Republic of Germany to pay the costs.

*Pleas in law and main arguments adduced in support:*

The mandatory nature of the provisions of the third paragraph of Article 189 and the first paragraph of Article 5 of the EC Treaty is such as to oblige Member States to whom directives are addressed to adopt the measures necessary for the implementation of such directives within the time limits prescribed therein. The time limits in question expired on 18 September 1992 and 31 December 1993 respectively but the Federal Republic of Germany has not to date adopted the necessary transposition measures.

<sup>(1)</sup> OJ No L 78, 26. 3. 1991, p. 38.

<sup>(2)</sup> OJ No L 264, 23. 10. 1993, p. 51.

**Reference for a preliminary ruling from the Cour d'Appel, Mons, by judgment of that court of 28 June 1996 in the case of *Ministre des Finances du Royaume de Belgique v. E. Amelynck and Others***

(Case C-237/96)

(96/C 269/26)

Reference has been made to the Court of Justice of the European Communities by a judgment of the Cour d'Appel (Court of Appeal), Mons, of 28 June 1996, which was received at the Court Registry on 9 July 1996, for a preliminary ruling in the case of *Ministre des Finances du Royaume de Belgique v. E. Amelynck and Others* on the following question:

Are Regulations (EEC) No 222/77<sup>(1)</sup> and (EEC) No 223/77<sup>(2)</sup>, which lay down the rule that evidence of the Community nature of goods is, without exception, to be furnished solely by transit document T2 or T2 L, consistent with Articles 9 and 10 of the EC Treaty and are they compatible with Articles 37 (2) and 39 (2) of Regulation (EEC) No 222/77, which provide that the findings of the

competent authorities of a Member State are to have the same force in other Member States as findings of the competent authorities of each of those Member States?

<sup>(1)</sup> OJ No L 38, 9. 2. 1977, p. 1.

<sup>(2)</sup> OJ No L 38, 9. 2. 1977, p. 20.

**Action brought on 10 July 1996 by Ireland against the Commission of the European Communities**

(Case C-238/96)

(96/C 269/27)

An action against the Commission of the European Communities was brought before the Court of Justice of the European Communities on 10 July 1996 by Ireland, represented by Michael A. Buckley, Chief State Solicitor, of Dublin Castle, Dublin 2, acting as Agent of Ireland, assisted by Mary Finlay, Senior Counsel and David Barniville, Barrister-at-Law, with an address for service of documents in Luxembourg at the Embassy of Ireland, 28 route d'Arlon, Luxembourg.

The applicant claims that the Court should:

- declare, pursuant to Article 173 of the Treaty establishing the European Community, that Commission Decision 96/311/EC of 10 April 1996 on the clearance of accounts presented by Member States in respect of expenditure for 1992 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and in respect of certain expenditure for 1993<sup>(1)</sup> is void in so far as it purports to disallow a sum of £ Irl 26 222 656,62 (being 10 % of the expenditure declared by Ireland for public storage of beef for 1990) from the expenditure declared by Ireland for public storage of beef for 1992,
- declare, pursuant to Article 173 of the Treaty establishing the European Community, that Commission Decision 96/311/EC of 10 April 1996 on the clearance of accounts presented by Member States in respect of expenditure for 1992 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and in respect of certain expenditure for 1993 is void in so far as it purports to disallow a sum of £ Irl 24 020 455,64 (being 5 % of the expenditure declared by Ireland for public storage of beef for 1991) from the expenditure declared by Ireland for public storage of beef for 1992,
- declare, pursuant to Article 173 of the Treaty establishing the European Community, that Commission Decision 96/311/EC of 10 April 1996 on the clearance of accounts presented by Member States in respect of expenditure for 1992 of the Guarantee Section of the European Agricultural Guidance and Guarantee Fund and in respect of certain expenditure for 1993 is void in so far as it purports to disallow the sum of £ Irl