

with Community law, even though neither company A, company B or company C is itself seeking to exercise any rights under Community law, and even if an interpretation of national legislation which would comply with Community law would have the effect of giving relief where the business of company C consisted mainly in the holding of shares in subsidiaries established outside the EC/EEA? Or does Article 5 have the consequence only that the national legislation, despite its interpretation, takes effect subject to the requirements of Community law in a case where these requirements are in point?

Action brought on 31 July 1996 by the Commission of the European Communities against the Kingdom of Belgium
(Case C-265/96)
(96/C 269/43)

An action against the Kingdom of Belgium was brought before the Court of Justice of the European Communities on 31 July 1996 by the Commission of the European Communities, represented by A. X. Lewis, acting as Agent, with an address for service in Luxembourg at the office of C. Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

1. declare that, by failing to bring into force the laws, regulations or administrative provisions necessary to comply with:
 - (a) Commission Directive 93/64/EEC⁽¹⁾ of 5 July 1993 setting out the implementing measures concerning the supervision and monitoring of suppliers and establishments pursuant to Council Directive 92/34/EEC⁽²⁾ on the marketing of fruit plant propagating material and fruit plants intended for fruit production and/or by not notifying the Commission thereof;
 - (b) Commission Directive 93/79/EEC⁽³⁾ of 21 September 1993 setting out additional implementing provisions for lists of varieties of fruit plant propagating material and fruit plants, as kept by suppliers under Council Directive 92/34/EEC,

the Kingdom of Belgium has failed to fulfil its obligations under Article 6 of Directive 93/64/EEC and Article 3 of Directive 93/79/EEC and under the EC Treaty;

2. order the Kingdom of Belgium 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 requires Member States to adopt the

measures necessary to transpose directives addressed to them into their domestic law before the expiry of the period prescribed for doing so. That period expired on 30 June 1994 without the Kingdom of Belgium having brought into force the necessary measures.

⁽¹⁾ OJ No L 250, 7. 10. 1993, p. 33.

⁽²⁾ OJ No L 157, 10. 6. 1992, p. 10.

⁽³⁾ OJ No L 256, 14. 10. 1993, p. 25.

Action brought on 5 August 1996 by the French Republic against the European Parliament
(Case C-267/96)
(96/C 269/44)

An action against the European Parliament was brought before the Court of Justice of the European Communities on 5 August 1996 by the French Republic, represented by Marc Perrin de Brichambaut, Director of Legal Affairs at the Ministry of Foreign Affairs, and Denys Wibaux, Secretary for Foreign Affairs at the same ministry, acting as Agents, with an address for service in Luxembourg at the French Embassy, 9 boulevard du Prince Henri.

The applicant claims that the Court should:

- declare null and void the decision of the European Parliament of 17 July 1996,
- order the defendant to pay the costs.

Pleas in law and main arguments adduced in support:

The pleas in law and main arguments are similar to those in Case C-345/95 of 6 November 1995⁽¹⁾.

⁽¹⁾ OJ No C 351, 30. 12. 1995, p. 7.

Removal from the register of Case C-327/95⁽¹⁾
(96/C 269/45)

By order of 3 May 1996, the President of the Court of Justice of the European Communities ordered the removal from the register of Case C-327/95: Commission of the European Communities v. Italian Republic.

⁽¹⁾ OJ No C 333, 9. 12. 1995.