

Appeals Board) of 12 March 1997, which was received at the Court Registry on 20 March 1997, for a preliminary ruling in the proceedings brought by Laura Pitkäranta, represented by her legal guardian Anne Pitkäranta, on the following questions:

1. (Question 1 is the same as Question 1 in Case C-9/97 ⁽¹⁾)
2. Is it contrary, with respect in particular to a minor who regularly lives with her guardian in the Helsinki region about 70 kilometres by road from the operational centre of the farm and who cannot herself carry on agriculture on the farm and whose guardian does not do so either on her own account, to the prohibition of discrimination, the principle of proportionality or other principles to be observed in Community law to exclude her from the compensation in question?

⁽¹⁾ OJ No C 74, 8. 3. 1997, p. 15.

Action brought on 24 March 1997 by the Commission of the European Communities against the Federal Republic of Germany
(Case C-121/97)
(97/C 166/11)

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 24 March 1997 by the Commission of the European Communities, represented by Götz zur Hausen, Legal Adviser to the Commission, with an address for service in Luxembourg at the offices of Carlos Gómez de la Cruz, a member of the Commission's Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

- declare the Federal Republic of Germany in breach of its obligations under Article 171 of the EC Treaty for failing to bring the Hunting Law of the Saarland into line with the judgment of the Court of Justice in Case C-288/88 *Commission v. Germany* ⁽¹⁾,
- order the Federal Republic of Germany to pay the Commission a penalty of ECU 26 400 (to Account H 1 KEG 'EC Own Resources', Bundeskasse Bonn) for each day of non-compliance with the obligations in the first indent above, as from the date judgment is delivered,
- order the Federal Republic of Germany to pay the costs.

Pleas in law and main arguments adduced in support:

Whilst Article 171 (1) of the EC Treaty does not lay down a specific time-limit for the Member State concerned to fulfil its obligations arising under a judgment of the Court

of Justice, the latter must nevertheless begin implementation of the judgment without delay and conclude it as soon as possible.

The application for determination of a penalty payment is based on Article 171 (2) of the EC Treaty. The Commission justifies the amount of the penalty by reference to its calculation method set out in Official Journal No C 242 of 21. 8. 1996, p. 6. In evaluating the severity of the infringement, it proceeds on the basis that only a single provision in a single Bundesland does not yet comply with Council Directive 79/409/EEC ⁽²⁾, and that the infringement is essentially procedural, since there are no known cases of environmental damage arising from application of the rules currently in force in the Saarland (Coefficient 1/20). The Commission regards the period of treaty infringement as very considerable (Coefficient 2/3). Concerning the deterrent effect of the penalty applied for, the Commission uses a calculation formula notified to the Member States, whereby reference is made to the relative position of each Member State in relation to its gross domestic product and its weighted voting strength in the Council under Article 148 (2) of the EC Treaty.

⁽¹⁾ [1990] ECR I-2721.

⁽²⁾ OJ No L 103, 1979, p. 1.

Action brought on 24 March 1997 by the Commission of the European Communities against the Federal Republic of Germany
(Case C-122/97)
(97/C 166/12)

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 24 March 1997 by the Commission of the European Communities, represented by Götz zur Hausen, Legal Adviser to the Commission, with an address for service in Luxembourg at the offices of Carlos Gómez de la Cruz, a member of the Commission's Legal Service, Wagner Centre, Kirchberg.

The applicant claims that the Court should:

- declare the Federal Republic of Germany in breach of its obligations under Article 171 of the EC Treaty for failing to comply with the judgment of the Court of Justice in Case C-58/89 *Commission v. Germany* ⁽¹⁾,
- order the Federal Republic of Germany to pay the Commission a penalty of ECU 158 400 (to Account H 1 KEG 'EC Own Resources', Bundeskasse Bonn) for each day of non-compliance with the obligations in the first indent above, as from the date judgment is delivered,
- order the Federal Republic of Germany to pay the costs.