

## JUDGMENT OF THE COURT

of 9 December 1997

in Case C-265/95: Commission of the European Communities, supported by Kingdom of Spain and United Kingdom of Great Britain and Northern Ireland v. French Republic <sup>(1)</sup>

*(Free movement of goods — Agricultural products — Trade barriers resulting from actions by private individuals — Obligations of the Member States)*

(98/C 55/05)

*(Language of the case: French)*

*(Provisional translation; the definitive translation will be published in the European Court Reports)*

In Case C-265/95: Commission of the European Communities (Agents: Hendrik van Lier and Jean-François Pasquier), supported by Kingdom of Spain (Agents: Alberto José Navarro González and Rosario Silva de Lapuerta), United Kingdom of Great Britain and Northern Ireland (Agent: John E. Collins, assisted by Stephen Richards and Mark Hoskins) v. French Republic (Agents: Jean-François Dobelle, Catherine de Salins, Anne de Bourgoing and Philippe Martinet) — application for a declaration that, by failing to take all necessary and proportionate measures in order to prevent the free movement of fruit and vegetables from being obstructed by actions by private individuals, the French Republic has failed to fulfil its obligations under the common organisation of the markets in agricultural products and Article 30 of the EC Treaty, in conjunction with Article 5 of that Treaty — the Court, composed of: G. C. Rodríguez Iglesias, President, C. Gulmann, H. Ragnemalm, M. Wathelet and R. Schintgen (Rapporteur) (Presidents of Chambers), G. F. Mancini, J. C. Moitinho de Almeida, P. J. G. Kapteyn, J. L. Murray, D. A. O. Edward, J.-P. Puissochet, G. Hirsch and P. Jann, Judges; C. O. Lenz, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 9 December 1997, in which it:

1. *declares that, by failing to adopt all necessary and proportionate measures in order to prevent the free movement of fruit and vegetables from being obstructed by actions by private individuals, the French Republic has failed to fulfil its obligations under Article 30 of the EC Treaty, in conjunction with Article 5 of that Treaty, and under the common organisations of the markets in agricultural products;*

2. *orders the French Republic to pay the costs;*

3. *orders the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.*

<sup>(1)</sup> OJ C 268, 14.10.1995.

## JUDGMENT OF THE COURT

of 9 December 1997

in Case C-353/95 P: Tiercé Ladbroke SA v. Commission of the European Community, supported by the French Republic <sup>(1)</sup>

*(Competition — State aid — Levy on bets taken on horse-races — Transfer of resources to an undertaking established in another Member State)*

(98/C 55/06)

*(Language of the case: English)*

In Case C-353/95P: Tiercé Ladbroke SA, a company incorporated under Belgian law, represented by Jeremy Lever QC, Christopher Vajda, Barrister, and Stephen Kon, Solicitor, with an address for service in Luxembourg at the Chambers of Winandy & Err, 60 Avenue Gaston Diderich, appeal against the judgment of the Court of First Instance of the European Communities (First Chamber, Extended Composition) of 18 September 1995 in Case T-471/93 Tiercé Ladbroke v. Commission [1995] ECR II-2537, seeking to have that judgment set aside, the other party to the proceedings being the Commission of the European Communities (Agent: Eric White) supported by the French Republic (Agents: Jean-François Dobelle, Catherine de Salins and Jean-Marc Belorgey) — the Court composed of: G. C. Rodríguez Iglesias, President, C. Gulmann, H. Ragnemalm, R. Schintgen (Presidents of Chambers), G. F. Mancini, P. J. G. Kapteyn (Rapporteur), J. L. Murray, D. A. O. Edward, J.-P. Puissochet, G. Hirsch and P. Jann, Judges, Advocate-General: G. Cosmas, Registrar: H. Holstein, Deputy Registrar, has given a judgment on 9 December 1997, in which it:

1. *dismisses the appeal;*

2. *orders Tiercé Ladbroke SA to pay the costs;*