

health conditions governing the placing on the market of aquaculture animals and products (OJ L 175, 19.7.1993, p. 34), Council Directive 93/113/EC of 14 December 1993 concerning the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition (OJ L 334, 31.12.1993, p. 17) and Council Directive 93/114/EC of 14 December 1993 amending Directive 70/524/EEC concerning additives in feedingstuffs (OJ L 334, 31.12.1993, p. 24), the Italian Republic has failed to fulfil its obligations under those Directives and the EC Treaty — the Court (Sixth Chamber), composed of: H. Ragnemalm (Rapporteur), President of the Chamber, R. Schintgen, G. F. Mancini, P. J. G. Kapteyn and G. Hirsch, Judges; N. Fennelly, Advocate-General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 16 December 1997, in which it:

1. *declares that, by failing to bring into force within the prescribed periods the laws, regulations and administrative provisions necessary to comply with Council Directive 93/53/EEC of 24 June 1993 introducing minimum Community measures for the control of certain fish diseases, Council Directive 93/113/EC of 14 December 1993 concerning the use and marketing of enzymes, micro-organisms and their preparations in animal nutrition and Council Directive 93/114/EC of 14 December 1993 amending Directive 70/524/EEC concerning additives in feedingstuffs, the Italian Republic has failed to fulfil its obligations under the first subparagraph of Article 20(1) of Directive 93/53/EEC, the first subparagraph of Article 8(1) of Directive 93/113/EC and the first subparagraph of Article 2(1) of Directive 93/114/EC;*

2. *orders the Italian Republic to pay the costs.*

⁽¹⁾ OJ C 336, 9.11.1996.

JUDGMENT OF THE COURT

(Fourth Chamber)

of 16 December 1997

in Case C-325/96 (reference for a preliminary ruling from the Supremo Tribunal Administrativo); *Fábrica de Queijo Eru Portuguesa Ld.^a v. Subdirector-Geral das Alfândegas*; joined as a party: *Ministério Público* ⁽¹⁾

(Inward processing relief arrangements — Special arrangements for milk sector products — Extension of the time-limit for export)

(98/C 55/13)

(Language of the case: Portuguese)

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

In Case C-325/96: reference to the Court under Article 177 of the EC Treaty from the Supremo Tribunal

Administrativo (Portuguese Supreme Administrative Court) for a preliminary ruling in the proceedings pending before that court between *Fábrica de Queijo Eru Portuguesa Ld.^a* and *Subdirector-Geral das Alfândegas*; joined as a party: *Ministério Público* — on the interpretation of Article 14(2) of Council Regulation (EEC) No 1999/85 of 16 July 1985 on inward processing relief arrangements (OJ L 188, 20.7.1985, p. 1) and Articles 27 and 28 of Council Regulation (EEC) No 3677/86 of 24 November 1986 laying down provisions for the implementation of Regulation (EEC) No 1999/85 (OJ L 351, 12.12.1986, p. 1), as amended by Commission Regulation (EEC) No 2281/88 of 25 July 1988 (OJ L 200, 26.7.1988, p. 20) — the Court (Fourth Chamber), composed of: H. Ragnemalm (Rapporteur), President of the Chamber, P. J. G. Kapteyn and J. L. Murray, Judges; D. Ruiz-Jarabo Colomer, Advocate-General; H. A. Rühl, Principal Administrator, for the Registrar, has given a judgment on 16 December 1997, in which it has ruled:

Article 28 of Council Regulation (EEC) No 3677/86 of 24 November 1986 laying down provisions for the implementation of Regulation (EEC) No 1999/85 on inward processing relief arrangements, as amended by Commission Regulation (EEC) No 2281/88 of 25 July 1988, must be interpreted as meaning that the time-limits for re-export laid down therein may not be extended.

⁽¹⁾ OJ C 354, 23.11.1996.

JUDGMENT OF THE COURT

(Sixth Chamber)

of 16 December 1997

in Case C-341/96: *Commission of the European Communities v. Federal Republic of Germany* ⁽¹⁾

(Failure of a Member State to fulfil its obligations — Directive 93/36/EEC — Failure to transpose within the prescribed period)

(98/C 55/14)

(Language of the case: German)

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

In Case C-341/96: *Commission of the European Communities* (Agent: Claudia Schmidt) v. *Federal Republic of Germany* (Agents: Ernst Röder and Bernd Kloke) — application for a declaration that, by failing to adopt within the prescribed period all the laws and regulations necessary to comply with Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts (OJ L 199, 9.8.1993, p. 1) and, in the alternative, by failing to notify the Commission immediately of the measures adopted in

order to transpose that Directive, the Federal Republic of Germany has failed to fulfil its obligations under the third paragraph of Article 189 of the EC Treaty and Article 34(1) of the Directive — the Court (Sixth Chamber), composed of: H. Ragnemalm (Rapporteur), President of the Chamber, G. F. Mancini, P. J. G. Kapteyn, J. L. Murray and K. M. Ioannou, Judges; N. Fennelly, Advocate-General; R. Grass, Registrar, has given a judgment on 16 December 1997, in which it:

1. *declares that, by failing to adopt within the prescribed period all the laws and regulations necessary to comply with Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, the Federal Republic of Germany has failed to fulfil its obligations under Article 34(1) of that Directive;*
2. *orders the Federal Republic of Germany to pay the costs.*

(¹) OJ C 370, 7.12.1996.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 18 December 1997

in Case C-360/95: Commission of the European Communities v. Kingdom of Spain (¹)

(Failure to fulfil obligations — Failure to transpose Directive 91/371/EEC — Implementation of the Agreement between the European Economic Community and the Swiss Confederation on direct insurance other than life assurance

(98/C 55/15)

(Language of the case: Spanish)

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

In Case C-360/95: Commission of the European Communities (Agents: Dimitrios Gouloussis and Blanca Vilá Costa) v. Kingdom of Spain (Agents: Alberto José Navarro González and Rosario Silva de Lapuerta) — application for a declaration that, by failing to adopt and bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 91/371/EEC of 20 June 1991 on the implementation of the Agreement between the European Economic Community and the Swiss

Confederation concerning direct insurance other than life assurance (OJ L 205, 27.7.1991, p. 48) or, in the alternative, by failing to inform the Commission thereof, the Kingdom of Spain has failed to fulfil its obligations under the EC Treaty — the Court (Fifth Chamber), composed of: C. Gulmann, President of the Chamber, M. Wathelet, J. C. Moitinho de Almeida (Rapporteur), P. Jann and L. Sevón, Judges; A. La Pergola, Advocate-General; L. Hewlett, Administrator, for the Registrar, has given a judgment on 18 December 1997, in which it:

1. *declares that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 91/371/EEC of 20 June 1991 on the implementation of the Agreement between the European Economic Community and the Swiss Confederation concerning direct insurance other than life assurance, the Kingdom of Spain has failed to fulfil its obligations under that Directive;*

2. *orders the Kingdom of Spain to pay the costs.*

(¹) OJ C 16, 20.1.1996.

JUDGMENT OF THE COURT

(Fifth Chamber)

of 18 December 1997

in Case C-361/95: Commission of the European Communities v. Kingdom of Spain (¹)

(Failure to fulfil obligations — Failure to transpose Directive 92/49/EEC — Direct insurance other than life assurance)

(98/C 55/16)

(Language of the case: Spanish)

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

In Case C-361/95: Commission of the European Communities (Agents: Dimitrios Gouloussis and Blanca Vilá Costa) v. Kingdom of Spain (Agents: Alberto José Navarro González and Rosario Silva de Lapuerta) — application for a declaration that, by failing to adopt and bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive)